

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3           - - - - -

4           GRACE LAWRENCE                 :

5                     Plaintiff,                 :

6                             vs.                 :

7           TRANS UNION, LLC                 :

8           CITY OF PHILADELPHIA             :

9                     Defendant.                 : C.A. NO:02-CV-4440

10          - - - - -

11                             - - -  
12                     Friday, October 24, 2003  
13                             - - -

14                     Oral deposition of NANCY CERBUS  
15           taken pursuant to notice, held at FRANCIS  
16           & MAILMAN, P.C., Land Title Building, 19th  
17           Floor, 100 South Broad Street, Suite 1902,  
18           Philadelphia, Pennsylvania, commencing at  
19           10:46 a.m., before Nicolle J. D'Amico,  
20           Court Reporter - Notary Public there being  
21           present:

22                             - - -

23                     KAPLAN, LEAMAN AND WOLFE  
24                     Registered Professional Reporters  
                      The Bourse, Suite 970  
                      111 South Independence Mall East  
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                      KAPLAN, LEAMAN AND WOLFE  
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1           A P P E A R A N C E S:

2           THE CONSUMER LAW FIRM OF  
3           FRANCIS & MAILMAN, P.C.  
4           BY: JOHN SOUMILAS, ESQUIRE  
5           Land Title Building, 19th Fl  
6           100 South Broad Street, Suite 1902  
7           Philadelphia, Pennsylvania 19110  
8           (215) 735-8600  
9           Representing the Plaintiff

10           SATZBERG, TRICHON, KOGAN & WERTHEIMER,  
11           P.C.  
12           BY: BRUCE S. LUCKMAN, ESQUIRE  
13           1818 Market Street, 30th Fl  
14           Philadelphia, Pennsylvania 19103  
15           (215) 575-7600  
16           Representing the Defendant

17  
18  
19  
20  
21  
22  
23  
24

KAPLAN, LEAMAN AND WOLFE  
(215) 922-7112

1 I N D E X

2 WITNESS PAGE

3 NANCY CERBUS

4 (Witness sworn.)

5

6 EXAMINATION BY

7 MR. SOUMILAS: 4

8

9

10

11 E X H I B I T S

12

13 NUMBER DESCRIPTION PAGE

14 Cerbus-1 Subpoena 16

15 Cerbus-2 Declaration 79

16 Cerbus-3 Court Docket Document 149

17

18

19

20

21

22

23

24

NANCY CERBUS

1                               -   -   -  
2                               It is agreed by and between  
3               counsel that reading, signing, sealing,  
4               filing, and certification are hereby  
5               waived and all objections, except as to  
6               the form of the questions, are reserved  
7               until the time of trial.)

8                               -   -   -  
9                               NANCY CERBUS, having been  
10              duly sworn, was examined and testified as  
11              follows:

12                              -   -   -  
13                              DIRECT EXAMINATION

14                              -   -   -  
15              BY MR. SOUMILAS:  
16              Q.            Would you state and spell your  
17              name for the record, ma'am?  
18              A.            Nancy Cerbus.  N-A-N-C-Y,  
19              C-E-R-B-U-S.  
20              Q.            Who do you work with?  
21              A.            Superior Information Services,  
22              LLC.  
23              Q.            And where is that?  
24              A.            It's located in Trenton, New

NANCY CERBUS

1 Jersey.

2 Q. What is your present title?

3 A. Vice President.

4 Q. I'm John Soumilas. I'm the  
5 attorney for Grace Lawrence who has  
6 brought a lawsuit against Trans Union, LLC  
7 in this case. And I'm here to take your  
8 deposition concerning your knowledge about  
9 that case.

10 I understand that you  
11 provided a declaration to Trans Union  
12 earlier in the litigation, okay?

13 A. (Witness nods.)

14 Q. Have you given a deposition  
15 before?

16 A. Yes.

17 Q. I saw you nodding your head in  
18 response to my previous question. So I'm  
19 just going to remind you even though  
20 you've been deposed before that you have  
21 to give me an oral response because the  
22 court reporter is not going to be able to  
23 pick up the head nods or gestures, okay?

24 A. Okay.

NANCY CERBUS

1 Q. Let me also remind you that the  
2 oath that you just took means that you  
3 swear to tell the truth as if you were  
4 testifying before a judge and a jury. Do  
5 you understand that?

6 A. Yes.

7 Q. I'm going to ask you some  
8 questions about what information, if  
9 anything, you know concerning  
10 Ms. Lawrence's claims in the lawsuit  
11 against Trans Union. If you don't  
12 understand any of my questions, tell me  
13 and then I'll try to rephrase them as  
14 clearly as I can.

15 A. Okay.

16 Q. Also as a reminder, please wait  
17 until I'm done asking the questions so  
18 that the court reporter takes down the  
19 full question and I'll wait until you're  
20 done with your answer completely before I  
21 ask the next question. Do you understand  
22 that?

23 A. Yes.

24 Q. If you need a break, let me know.

NANCY CERBUS

1 My goal is to try to get us out of here  
2 before lunch, but certainly if you want a  
3 break before then, just let me know, and  
4 as long as a question is not pending we'll  
5 take one.

6 A. Okay.

7 Q. Are you taking any type of  
8 medication or any other substance today  
9 that might impair your ability to testify  
10 truthfully?

11 A. No.

12 Q. Is Mr. Luckman your lawyer?

13 A. No.

14 Q. Is Mr. Luckman Superior  
15 Information Services lawyer?

16 A. No.

17 Q. When is the first time you spoke  
18 with Mr. Luckman about this case?

19 A. This year. Probably in July  
20 maybe, or May -- May.

21 Q. Was it over the phone or was it  
22 in person?

23 A. Phone.

24 Q. What did you discuss?

NANCY CERBUS

1 A. We discussed pulling information  
2 for the CDVs that we had done before.

3 Q. I'm sorry. You discussed pulling  
4 information?

5 A. Uh-huh, from the courts.  
6 Retrieving a copy.

7 Q. Okay. Let me just make sure I  
8 understand. Did you discuss going to the  
9 courts and getting information or looking  
10 through your company's records to get  
11 information?

12 A. Looking through our company's  
13 records.

14 Q. Okay. And what were you looking  
15 for?

16 A. When we verified these disputes.

17 Q. You were looking for what  
18 precisely about the verifications?

19 A. Superior's records of performing  
20 the service.

21 Q. Did you find any records that  
22 relate to Superior's performing of the  
23 service in connection with the disputes?

24 A. Yes.



NANCY CERBUS

- 1 Q. What records did you find?
- 2 A. The CDVs, when we performed them.
- 3 Q. You found the CDVs?
- 4 A. Uh-huh, yes.
- 5 Q. I'm sorry. That was a yes?
- 6 A. Yes.
- 7 Q. How many CDVs did you find?
- 8 A. We found two. The last two that
- 9 we performed.
- 10 Q. Do you know the dates of those?
- 11 A. I can pull them.
- 12 Q. Do you have them here with you?
- 13 A. No. I have the dates.
- 14 Q. Okay.
- 15 A. It was November '97 and January
- 16 1998.
- 17 Q. November of 1997 and January
- 18 1998?
- 19 A. Yes.
- 20 Q. Did you find any other records
- 21 concerning CDVs?
- 22 A. I'm sorry, that was incorrect.
- 23 Q. Okay.
- 24 A. It was February 2001 and January

10

NANCY CERBUS

1 1998.

2 Q. Okay. The reference that you  
3 made to November 1997, was that for  
4 something else?

5 A. Yes.

6 Q. What was that?

7 A. They're the three months that we  
8 were supposed to look for in our records  
9 for performing this, these verifications.

10 Q. So November 1997 was another time  
11 period when your records show you were  
12 supposed to do an investigation for Trans  
13 Union?

14 MR. LUCKMAN: Objection.

15 THE WITNESS: No.

16 BY MR. SOUMILAS:

17 Q. Could you tell me what November  
18 1997 is?

19 A. I wanted to look in those records  
20 for the Lawrence verification.

21 Q. Which records?

22 A. Our records.

23 Q. The November 1997 records?

24 A. Yes.

NANCY CERBUS

1 Q. Why did you go and look at that  
2 time frame?

3 A. Based upon the information from  
4 Bruce.

5 Q. Bruce told you to look for  
6 November 1997?

7 A. Yes.

8 Q. Did he tell you any other dates?

9 A. Yes, January '98 and February  
10 2001.

11 Q. Any other dates?

12 A. Not to my knowledge.

13 Q. Did you keep notes with your  
14 conversations with Mr. Luckman?

15 A. Yes.

16 Q. Do you have your notes here?

17 A. No.

18 Q. Did you maintain your notes?

19 A. No.

20 Q. What were you looking at now when  
21 you gave me those dates?

22 A. Some other notes that I put  
23 together.

24 Q. When did you put those notes

NANCY CERBUS

1 together?

2 A. July.

3 Q. Of this year?

4 A. Yes.

5 Q. For what purpose?

6 A. To pull the information from the  
7 courts.

8 Q. So in July of 2003 you took  
9 certain notes in connection with pulling  
10 information from the courts?

11 A. Yes.

12 Q. Could you explain to me what  
13 happened in July of 2003 that caused you  
14 to do that?

15 A. Yes. I had a conversation with  
16 Bruce and we wanted to re-pull the  
17 documents from Philadelphia to take  
18 another look at them.

19 Q. He asked you to do that?

20 A. I don't know. But that would be  
21 what I would be doing anyway.

22 Q. What do you mean by "anyway"?

23 A. If there is a dispute on any  
24 document that Superior would verify, we

NANCY CERBUS

1 would pull the records anyway.

2 Q. Okay. And you took notes in  
3 connection with that pulling of the  
4 records you said?

5 A. Yes.

6 Q. Do you have a copy of those  
7 notes?

8 A. Not with me.

9 Q. Did you maintain a copy of those  
10 notes?

11 A. I'm sure, yes.

12 Q. Where would you have maintained  
13 them?

14 A. In my office.

15 Q. Do you have a file in your office  
16 with this particular case, Lawrence?

17 A. I do.

18 Q. What else is in that file other  
19 than these notes from July 2003?

20 A. A copy of the document.

21 Q. I'm sorry?

22 A. A copy of the document from the  
23 courts.

24 Q. The document from the courts?

NANCY CERBUS

1 A. Uh-huh.

2 Q. What document are you referring  
3 to?

4 A. The Lawrence case from the  
5 courts.

6 Q. Are you referring to court  
7 records?

8 A. Yes.

9 Q. That your company retrieved in  
10 July 2003?

11 A. Yes.

12 Q. Do you have a copy of those  
13 records here?

14 A. Yes.

15 Q. Could I see them?

16 MR. LUCKMAN: I'm going to  
17 remind Ms. Cerbus that I don't represent  
18 her. I know that they have counsel and  
19 she may or may not want to talk to counsel  
20 before she turns things over to you. It's  
21 entirely up to her, but she shouldn't --

22 THE WITNESS: Well, I have  
23 my folder.

24 BY MR. SOUMILAS:

NANCY CERBUS

1 Q. You have your whole folder?

2 A. Uh-huh.

3 Q. Let me ask you this, Ms. Cerbus:

4 Do you know who Peter McGale is?

5 A. Yes.

6 Q. Who is he?

7 A. He is my colleague.

8 Q. He works with you?

9 A. Yes.

10 Q. What is his title?

11 A. He is Vice President.

12 Q. He is also Vice President?

13 A. Uh-huh.

14 Q. Have you seen the subpoena that  
15 my firm served on your company in this  
16 case?

17 A. Yes.

18 Q. You have. I asked you about  
19 Mr. McGale because I personally spoke with  
20 him to give him notice that he received  
21 that subpoena, but have you personally  
22 reviewed it?

23 A. Yes.

24 Q. To your knowledge, did your

16

NANCY CERBUS

1 company ever give us any documents in  
2 response to that May 2003 subpoena?

3 A. I don't know.

4 MR. LUCKMAN: John, did  
5 they send anything over?

6 MR. SOUMILAS: No. We  
7 never received anything, for the record,  
8 from your company.

9 BY MR. SOUMILAS:

10 Q. Who is John Fiechthaler?

11 A. He's the supervisor of the  
12 mailroom.

13 Q. Supervisor of the mailroom?

14 A. Yes.

15 Q. I want to show you a copy of the  
16 subpoena. Let's mark it.

17 MR. SOUMILAS: If you  
18 would, please, mark this as Cerbus-1.

19 - - -

20 (Whereupon, Exhibit  
21 Cerbus-1 was marked for identification.)

22 - - -

23 BY MR. SOUMILAS:

24 Q. Would you take a look at that



17

NANCY CERBUS

1 document that we've marked as Cerbus-1,  
2 ma'am. And once you've had a chance to  
3 review it, let me know.

4 MR. LUCKMAN: What is the  
5 difference between A and B; Exhibit A and  
6 Exhibit B?

7 MR. SOUMILAS: I think  
8 Exhibit B is a check for this deposition  
9 and A is for documents.

10 MR. LUCKMAN: Oh, the  
11 schedule I got you to produce.

12 BY MR. SOUMILAS:

13 Q. Have you seen this document  
14 before, Ms. Cerbus?

15 A. Yes.

16 Q. You have. This was the subpoena  
17 that my firm served on your company?

18 A. Yes.

19 Q. Is the 300 Phillips Boulevard,  
20 3500, Trenton, New Jersey address the  
21 address where your company is located?

22 A. Yes.

23 Q. Do you have any other offices?

24 A. No.

NANCY CERBUS

1 Q. That's where your office is  
2 physically located?

3 A. Yes.

4 Q. I want to just direct your  
5 attention to Exhibit A, what's called  
6 Schedule of Documents. With that exhibit  
7 what we lay out there is the documents  
8 that we asked you to turn over pursuant to  
9 the subpoena. Will you just read  
10 paragraphs 1 through 5 to remind yourself  
11 what we asked you for?

12 A. Okay.

13 Q. You would agree with me that the  
14 first paragraph says, Any and all records  
15 and documents that refer or relate to  
16 Grace Lawrence?

17 A. Yes.

18 Q. You said you keep in your office  
19 a file concerning the Grace Lawrence  
20 disputes, right? I'll represent to you I  
21 think that's exactly the type of documents  
22 that we were looking for.

23 A. Uh-huh.

24 Q. And I want to just place for the

NANCY CERBUS

1 record that because we have not received  
2 these documents ahead of time, I don't  
3 know whether I could be fully prepared to  
4 ask you questions about what you know in  
5 this case. And to the extent that at the  
6 end of the day I feel that I don't know  
7 all the questions to ask you, I'm going to  
8 need to reserve the right to recall you as  
9 a witness so that you can answer questions  
10 about documents that I have not yet seen.

11 MR. LUCKMAN: John, just so  
12 the record is clear, I take it you were  
13 aware before today that the documents  
14 weren't produced.

15 MR. SOUMILAS: Correct.

16 MR. LUCKMAN: Was there any  
17 efforts made to get the documents before  
18 we brought her down here from Trenton?

19 MR. SOUMILAS: I think  
20 there were several efforts made to get the  
21 documents, including phone calls from our  
22 firm to Ms. Cerbus directly, to  
23 Mr. McGale, as well as e-mails to counsel  
24 for Trans Union that kindly coordinated

NANCY CERBUS

1 this deposition.

2 BY MR. SOUMILAS:

3 Q. Let me just go back to the file  
4 of documents of Ms. Lawrence that you have  
5 in your office. You said you have notes  
6 from your conversation with Mr. Luckman of  
7 July 2003, that's one thing that you have?

8 A. Possibly.

9 Q. Possibly or you definitely have  
10 them?

11 A. Possibly.

12 Q. Do you have the file here with  
13 you?

14 A. No.

15 Q. You don't have that file here  
16 with you?

17 MR. LUCKMAN: She said that  
18 three times.

19 THE WITNESS: My notes, no.

20 BY MR. SOUMILAS:

21 Q. Do you have another file here  
22 with you?

23 A. Yes.

24 Q. I'm sorry, I just want to get

NANCY CERBUS

1           that clear because we're talking about two  
2           separate files, it seems.

3                       Let's go to the file that you  
4           do have here with you. Earlier I saw you  
5           consulting some notes when you were  
6           answering my questions about the CDVs and  
7           apologize if I confused the two files.  
8           Let's go to that file first. What file do  
9           you have here with you?

10          A.           I have a file of information that  
11          we had pulled from July.

12          Q.           What is in that file?

13          A.           It has an outline of notes, some  
14          documents from the court.

15          Q.           Outline of notes. Notes about  
16          what? Your notes?

17          A.           Yes.

18          Q.           What are your notes about?

19          A.           About this case, what I needed to  
20          do for it.

21          Q.           What do you mean by that?

22          A.           That I needed to pull some  
23          information from the court.

24          Q.           You also have information that

NANCY CERBUS

1       you pulled from the courts?

2       A.       Yes.

3       Q.       Are those court records  
4       concerning a judgment on Grace Lawrence?

5       A.       Yes.

6       Q.       And you have those here with you  
7       today?

8       A.       Yes.

9       Q.       Anything else in that file that  
10      you have here today?

11      A.       I have some procedures --  
12      Superior's procedures.

13      Q.       Written procedures that your  
14      company follows?

15      A.       Yes.

16      Q.       In connection with what?

17      A.       Performing services.

18      Q.       For Trans Union?

19      A.       Yes.

20      Q.       Is it performing investigation  
21      services?

22      A.       Yes.

23      Q.       Such as looking into public  
24      records when consumers dispute?

NANCY CERBUS

- 1       A.       Yes.
- 2       Q.       Is that a manual or is it
- 3       individual procedures?
- 4       A.       I don't understand.
- 5       Q.       Fair. Is it a handbook or a
- 6       procedures manual or is it individual
- 7       memos or individual procedures?
- 8       A.       It's a page from a manual.
- 9       Q.       A page from a manual. What is
- 10      the manual called?
- 11      A.       Training and guidelines.
- 12      Q.       Training and guidelines?
- 13      A.       (Witness nods.)
- 14      Q.       Is that a yes?
- 15      A.       Yes.
- 16      Q.       What does the page refer to?
- 17      A.       The information that you need to
- 18      re-look at at the court when performing a
- 19      CDV.
- 20      Q.       What else is in your file here
- 21      today?
- 22      A.       Audits.
- 23      Q.       What type of audits?
- 24      A.       Consumer dispute audits.

NANCY CERBUS

1 Q. Could you tell me what that is?

2 I don't know what that is.

3 A. It's a process that Superior does

4 that we will randomly select 25 CDVs that

5 someone performed and we'll go back and

6 make sure that the information they

7 provided back to us, the home office, is

8 correct so that we have a pass/fail audit

9 system.

10 Q. Is that an audit of your

11 employees or your contractors, then?

12 A. Yes.

13 Q. How many audits do you have with

14 you?

15 A. Four.

16 Q. Which ones do you have?

17 MR. LUCKMAN: Were they the

18 ones for Palmer?

19 THE WITNESS: Yes.

20 MR. LUCKMAN: You have

21 those, John. They were attached to the

22 declaration in this case.

23 BY MR. SOUMILAS:

24 Q. I have audits conducted on a



NANCY CERBUS

1 Mr. Nicholas Palmer?  
2 A. Yes.  
3 Q. Four audits on him?  
4 A. Yes.  
5 Q. What else is in that file?  
6 A. Deposition letter from you.  
7 Q. That's the letter that I sent  
8 concerning your deposition today?  
9 A. Yes.  
10 Q. Okay.  
11 A. My declaration that I provided to  
12 Trans Union.  
13 Q. Okay.  
14 A. And a fax that I sent to Bruce.  
15 Q. What is the date of the fax?  
16 A. August 7, 2003.  
17 Q. What did you fax to him?  
18 A. The declaration that was signed.  
  
19 Q. Anything else with you here today  
20 that pertains to this case -- let me take  
21 it one at a time. I'll withdraw that  
22 question.  
23 Anything else in the file  
24 that you were just referring to?

NANCY CERBUS

1 A. I don't think so.

2 Q. Anything else that you have here  
3 with you today in terms of documents  
4 concerning Grace Lawrence or any way  
5 relating to the claims that Grace Lawrence  
6 has made in this case as you understand  
7 them?

8 A. I don't think so.

9 Q. Let's go back to the second file  
10 that I confused with this file, the file  
11 that you have in your office where you  
12 said may contain notes from a July 2003  
13 conversation with Mr. Luckman. Let's call  
14 that, for the sake of this deposition, the  
15 second file or the office file, okay?

16 A. Uh-huh.

17 Q. To your knowledge, what type of  
18 information do you have in that file?

19 A. You know, I don't know.

20 Q. You don't know. How big a file  
21 is it?

22 A. I don't know.

23 Q. Is it a three-inch file or a file  
24 as thin as the one --

NANCY CERBUS

- 1       A.       I don't know.
- 2       Q.       You don't know?
- 3       A.       No.
- 4       Q.       When you said earlier --
- 5       A.       I have notes all over.
- 6       Q.       I understand. I'm just trying to
- 7       get a sense. Earlier you said that you
- 8       may have your notes from a conversation
- 9       with Mr. Luckman in July 2003 in that
- 10      file; is that correct?
- 11      A.       Yes, I did say that.
- 12      Q.       When is the last time you saw
- 13      that file?
- 14      A.       Probably that week.
- 15      Q.       Which week?
- 16      A.       That I wrote the notes from that
- 17      conversation.
- 18      Q.       Did you review the file in
- 19      preparation for your deposition today?
- 20      A.       No.
- 21      Q.       Based on the last time you
- 22      remember seeing the file, do you remember
- 23      whether there were any other documents in
- 24      the file?

NANCY CERBUS

1 A. I don't remember.

2 Q. Other than the office file that  
3 we just discussed and the file that you  
4 have here with you, do you have any other  
5 documents either in your office or  
6 anywhere else in your company that you  
7 know about that refer or relate to Grace  
8 Lawrence?

9 A. We would have the electronic  
10 version of the CDV.

11 Q. Is that on a computer database?

12 A. Yes. And I believe that's for  
13 the last three years.

14 Q. Does that mean that you would  
15 have the electronic version of the  
16 February 2001 CDV?

17 A. Yes.

18 Q. You testified earlier that you  
19 also have a copy of a January 1998 CDV?

20 A. Yes.

21 Q. Where do you have that copy?

22 A. Same place.

23 Q. On the computer?

24 A. Yes.

NANCY CERBUS

1 Q. What is your computer called, or  
2 the computer system, I should say?

3 A. It's called Paradox.

4 Q. Is it maintained at the Trenton  
5 facility?

6 A. Yes.

7 Q. You said it goes back three  
8 years?

9 A. Yes.

10 Q. From today?

11 A. Yes.

12 Q. Why would you have the January  
13 1998 CDV on that?

14 A. Because I was able to locate it.

15 Q. On the computer system?

16 A. Yes.

17 Q. How did you locate it?

18 A. I asked someone to find it for  
19 me.

20 Q. Who did you ask?

21 A. Matt.

22 Q. Does Matt have a last name?

23 A. Rebovich, R-E-B-O-V-I-C-H.

24 Q. He works for your company?

NANCY CERBUS

- 1 A. Yes.
- 2 Q. What is his title?
- 3 A. Manager.
- 4 Q. He has access to the Paradox
- 5 computer system?
- 6 A. Yes.
- 7 Q. And I take it at your direction
- 8 he conducted a search of the computer
- 9 system?
- 10 A. Yes.
- 11 Q. Was he able to get you a printout
- 12 of the 1998 CDV?
- 13 A. Yes.
- 14 Q. Was he able to get you a printout
- 15 of the 2001 CDV?
- 16 A. Yes.
- 17 Q. Did he conduct any other searches
- 18 at your direction concerning CDVs in this
- 19 case, the Lawrence case?
- 20 A. Yes, yes.
- 21 Q. Which other one? Which other
- 22 dates, I should say?
- 23 A. Anything prior to '98.
- 24 Q. Okay. I take it he didn't find

NANCY CERBUS

1 anything?

2 A. That's correct.

3 Q. Could you please remind me how  
4 long you keep these records on your  
5 Paradox computer database?

6 A. We try to keep them for three  
7 years. We might keep them longer, but  
8 three years is our recycle time.

9 Q. What does that mean, three years  
10 is the recycle time?

11 A. Anything older than three years  
12 we do not have to maintain.

13 Q. Is that pursuant to a policy that  
14 you have?

15 A. It's pursuant to Superior policy,  
16 yes.

17 Q. Is it a written policy?

18 A. Not necessarily.

19 Q. Do you know whether it's written  
20 or oral?

21 A. I don't.

22 Q. You know that as a matter of  
23 course you maintain documents for three  
24 years on your Paradox computer database

NANCY CERBUS

1 concerning CDV responses?

2 A. Yes.

3 Q. And the manager, Matt Reboninsky  
4 (ph) you said?

5 A. Rebovich.

6 Q. Rebovich. I'm not going to make  
7 you re-spell it, I know you did already.  
8 He would manage to find the CDV from 1998.  
9 Do you know how it came that that was  
10 still in the system?

11 A. I don't.

12 Q. Is he a computer related manager,  
13 Matt?

14 A. Yes.

15 Q. Would he be the person that knows  
16 the full memory of the system?

17 A. What do you mean?

18 Q. For example, do you personally  
19 know what happens to the information after  
20 three years? Does it get purged? Does he  
21 put it on a CD? Do you have backup tapes,  
22 stuff like that?

23 A. We usually delete it.

24 Q. Delete it entirely?



NANCY CERBUS

- 1 A. Yes.
- 2 Q. You know that for a fact?
- 3 A. Yes.
- 4 Q. There is no backup of any sort?
- 5 A. Yes, there are backups.
- 6 Q. Where are the backups?
- 7 A. Off site.
- 8 Q. Where physically off site?
- 9 A. I don't know.
- 10 Q. Do you know what the backup
- 11 system is called?
- 12 A. No.
- 13 Q. Do you use another company to do
- 14 the backup work for you?
- 15 A. I don't know.
- 16 Q. Would Matt know?
- 17 A. No.
- 18 Q. Who would know?
- 19 A. Whoever is responsible for
- 20 systems administration.
- 21 Q. In your company?
- 22 A. Yes.
- 23 Q. Who is that?
- 24 A. Dan Haigh.

NANCY CERBUS

1 Q. Is it H-A-G-U-E?

2 A. H-A-I-G-H.

3 Q. What is his title?

4 A. Director.

5 Q. The two CDVs that you did find,  
6 the 1998 and 2001 CDV, you told me you got  
7 a printout of them. Do you know whether  
8 they exist some place in your files, the  
9 paper printout?

10 A. I don't.

11 Q. Did you give copies of that to  
12 Mr. Luckman?

13 A. I don't know.

14 Q. Do you know whether you gave  
15 copies of those CDVs to anyone at  
16 Mr. Luckman's firm, such as Mr. Creech?

17 A. I don't know.

18 Q. Do you know who Mr. Creech is?

19 A. Yes.

20 Q. Did you give any documents to  
21 Trans Union or its counsel?

22 A. I don't know.

23 Q. You don't know whether you did?

24 A. These documents?

NANCY CERBUS

- 1 Q. Any document?
- 2 A. Oh yes, I did.
- 3 Q. You did?
- 4 A. Uh-huh.
- 5 Q. What documents did you give them?
- 6 A. I gave them audits.
- 7 Q. Are those the same audits for
- 8 Mr. Palmer that we spoke about earlier?
- 9 A. Yes.
- 10 Q. Any other audits?
- 11 A. No.
- 12 Q. What else did you give them?
- 13 A. I sent him my declaration.
- 14 Q. Okay. Anything else?
- 15 A. I don't know.
- 16 Q. Were you the person responsible
- 17 at Superior for doing -- or I should say
- 18 overseeing the investigation concerning
- 19 the Lawrence lawsuit?
- 20 A. Yes.
- 21 Q. So when Matt Rebovich did this
- 22 computer search on the Paradox system,
- 23 that was at your direction?
- 24 A. Yes.

NANCY CERBUS

1 Q. If any other information was  
2 gathered from the courthouse or any place  
3 else that would have been at your  
4 direction?

5 A. Yes.

6 Q. Sitting here today you don't know  
7 whether you ever turned over the CDVs to  
8 Trans Union?

9 A. That's correct.

10 Q. And you don't know whether you  
11 turned over any other documents besides  
12 the two things that you told me, the  
13 audits for Mr. Palmer and your  
14 declaration?

15 A. I also turned over the CDV  
16 verification process, verification  
17 standards and a copy of the judgment.

18 Q. CDV verification standards, is  
19 that an internal document of Superior's?

20 A. Yes.

21 MR. LUCKMAN: Just to short  
22 cut, is that the audit guidelines for  
23 verification that you attached to your  
24 declaration?

NANCY CERBUS

1 THE WITNESS: Yes.

2 MR. LUCKMAN: I didn't mean  
3 to interject.

4 MR. SOUMILAS: No, that was  
5 helpful.

6 BY MR. SOUMILAS:

7 Q. You turned over, you said, the  
8 judgment records?

9 A. Yes.

10 Q. Is that the record that you  
11 obtained in July of 2003?

12 A. Yes.

13 Q. Do you have a copy of that record  
14 here today?

15 A. Yes.

16 Q. Do you know whether the records  
17 that you obtained -- let's back up for one  
18 second.

19 Documents turned over to you  
20 have audits for Mr. Palmer, your  
21 declaration, the CDV verification standard  
22 and the judgment information that you  
23 received from the court in July 2003.  
24 Anything else?

NANCY CERBUS

1 A. Nothing that I can think of at  
2 the moment.

3 Q. Okay. Let's focus on the  
4 judgment record. Do you know whether the  
5 judgment information that you obtained  
6 from the court in July 2003 states that  
7 Grace Lawrence had a judgment entered  
8 against her?

9 A. Sorry. What was that again?

10 Q. I'm wondering if you can tell me  
11 if the judgment record that you obtained  
12 in July 2003 states that Ms. Lawrence --  
13 Grace Lawrence had a judgment entered  
14 against her in the amount of \$2,951, I'll  
15 represent to you?

16 A. It's kind of vague. I would  
17 probably have to look at the document.

18 Q. Do you have it here?

19 A. Yeah, but I expected you to show  
20 me exhibits.

21 Q. I will show you exhibits, but I'm  
22 not quite there yet and because we haven't  
23 seen this document that you received from  
24 the court in July 2003, I want to ask you

NANCY CERBUS

1 questions about that. Could you tell me  
2 if it says that the judgment is against  
3 her?

4 MR. LUCKMAN: She just  
5 answered you. She said it was kind of  
6 vague, she expected you to show her  
7 something. She answered that exact  
8 question.

9 MR. SOUMILAS: I understand  
10 that. You can still answer my question.  
11 I take it that's an objection as to  
12 vagueness.

13 MR. LUCKMAN: I'm just  
14 trying to be helpful.

15 THE WITNESS: I'm sorry,  
16 what was your question?

17 BY MR. SOUMILAS:

18 Q. My question is, was the judgment  
19 against Ms. Lawrence?

20 A. I don't know.

21 Q. Do you have the document here?

22 A. Yes.

23 Q. Would you take a look at it?

24 A. I'm not going to take a look at

NANCY CERBUS

1       it, no.

2       Q.       Why not?

3       A.       Because I expected you to show me  
4       the exhibits that I needed to go through  
5       today.

6       Q.       Ma'am, I don't mean to be  
7       difficult. I will show you some documents  
8       that I'd like you to go through, but I  
9       served a subpoena as a court officer upon  
10      your company, that's an order to turn over  
11      documents and to be present for a  
12      deposition. Now, I need to identify what  
13      type of documents your company has. To  
14      date, they haven't turned any documents  
15      over.

16               I understand that Mr. Luckman  
17      said he doesn't represent you and that you  
18      may want to consult another lawyer and I'm  
19      going to give you the same advice that you  
20      may want to consult another lawyer before  
21      you turn over any documents to me in  
22      response to the subpoena, okay?

23               My position is that the  
24      subpoena clearly covers all of the



NANCY CERBUS

1 documents that we've discussed thus far.  
2 It's a formal request to turn over those  
3 documents and you have not. I'm not going  
4 to ask you to turn them over today if you  
5 don't want to.

6 A. Okay.

7 Q. If you want to consult a lawyer,  
8 that's perfectly fine; however, I'm going  
9 to ask you questions about them and I'm  
10 going to ask you questions about your  
11 memory.

12 A. Okay. And I responded to that  
13 and I stated that I would work with -- I  
14 responded to that subpoena and said that I  
15 would work with Bruce's firm to provide  
16 you these documents.

17 Q. You responded to me saying that?

18 A. Yes.

19 Q. Did you respond in a letter?

20 A. Yes.

21 Q. Do you have a copy of that  
22 letter?

23 A. I don't.

24 Q. Do you know when the letter was

NANCY CERBUS

1 sent?

2 A. It was sent maybe a week after I  
3 received that subpoena.

4 Q. Do you know whether your  
5 expectation was that you would give those  
6 documents to Mr. Luckman and he would turn  
7 them to us?

8 A. Yes, that was my expectation.

9 Q. Did you turn the documents over  
10 to Mr. Luckman?

11 A. I turned over --

12 Q. Actually, let me ask you a  
13 clearer question. You told me what  
14 documents you already turned over to  
15 Mr. Luckman. My question is, did

16 Mr. Luckman ask you for any additional  
17 documents?

18 A. Yes.

19 Q. He did? What additional  
20 documents did he ask you for?

21 A. He asked me for the original  
22 judgment that we received from the City  
23 from the tape back in 1996.

24 Q. So that's separate from the July

NANCY CERBUS

1 2003 record, because I thought you told me  
2 it was the judgment?

3 A. No, that's when we pulled the  
4 files from the court.

5 Q. So those are the physical paper  
6 files?

7 A. Yes.

8 Q. What did he ask you for then with  
9 respect to this tape?

10 A. We received the information from  
11 the City, directly from the City, the  
12 judgment information. And he wanted to  
13 know if I had that information from 1996  
14 on our database.

15 Q. And when you say "tape," that's  
16 an electronic tape?

17 A. Yes.

18 Q. Is that something that's mailed  
19 to your office?

20 A. Back then it was, yes.

21 Q. In 1996 it was mailed?

22 A. Yes.

23 Q. How do you get it now?

24 A. We receive it by e-mail, the file

NANCY CERBUS

1 by e-mail.

2 Q. Okay. How often did you receive  
3 it back in 1996 by mail?

4 A. Monthly.

5 Q. So it was a monthly electronic  
6 tape with judgments that you put on your  
7 database?

8 A. Yes.

9 Q. Was that the same database as the  
10 Paradox database that you testified about  
11 earlier?

12 A. No.

13 Q. What database was that?

14 A. This is our Superior database.

15 Q. Does that still exist?

16 A. Yes.

17 Q. Do you still place judgment  
18 information that you receive from the City  
19 of Philadelphia on that Superior database?

20 A. Yes.

21 Q. Now you receive it by e-mail?

22 A. Yes.

23 Q. Are you able to conduct the  
24 searches on the database?

NANCY CERBUS

- 1 A. Yes.
- 2 Q. Did you conduct a search for the
- 3 original information in 1996?
- 4 A. Yes.
- 5 Q. Did you find it?
- 6 A. Yes.
- 7 Q. You did find it?
- 8 A. Yes.
- 9 Q. Did you turn it over to
- 10 Mr. Luckman?
- 11 A. Yes.
- 12 Q. You did turn it over to
- 13 Mr. Luckman. When was that?
- 14 A. Well, this is a search though.
- 15 Q. A search is a computer search?
- 16 A. Yes.
- 17 Q. So it's a result of an inquiry
- 18 into your computer?
- 19 A. Yes.
- 20 Q. Could you print out the screen
- 21 with the results?
- 22 A. Yes.
- 23 Q. Did you print out the screen?
- 24 A. Yes.

NANCY CERBUS

1 Q. Did you turn it over to  
2 Mr. Luckman?

3 A. I don't know.

4 Q. Do you know where that screen  
5 print now is?

6 A. No.

7 Q. How far back would you go in your  
8 Superior database to do such searches?

9 A. Depending on what year, all the  
10 information that we've collected in  
11 Philadelphia would be back to 1987.

12 Q. Now, we were talking about  
13 additional documents other than the  
14 documents that you told me that you turned  
15 over to Mr. Luckman that Mr. Luckman asked  
16 you for. The original 1996 report, you  
17 said you saw that, but you don't remember  
18 turning it over to Mr. Luckman?

19 A. Well, there's two things. It's  
20 not the original.

21 Q. Okay. Explain.

22 A. It's not from the tape. It's how  
23 we store it in our database.

24 Q. You said there were two things.

NANCY CERBUS

1 Are those both things?

2 A. Well, you have the original tape  
3 from the City and then you have the  
4 records as it appears in our database.

5 Q. I understand. Does Superior  
6 still have the original tape from the City  
7 that they received in 1996?

8 A. No.

9 Q. Why not?

10 A. Because we recycle it.

11 Q. Meaning you use the same tape for  
12 the City to put new information on it?

13 A. We did, yes.

14 Q. How often did you recycle?

15 A. We recycled all the tapes.

16 Q. How often did you recycle?

17 A. We recycle each monthly tape a  
18 year after we loaded the data.

19 Q. The data was loaded  
20 electronically onto the Superior database?

21 A. Yes.

22 Q. And that database still goes back  
23 to 1987?

24 A. Yes.

NANCY CERBUS

1 Q. Who maintains the Superior  
2 database at your company?

3 A. There's many people responsible.

4 Q. Who is the senior most person  
5 responsible for the maintenance of the  
6 Superior database?

7 A. Dan Haigh.

8 Q. The same Dan Haigh that you  
9 mentioned earlier?

10 A. Yes.

11 Q. Who did the search for you to try  
12 to find the information of the original  
13 that you received from the City in 1996?

14 A. Pat Fister.

15 Q. Pat Fister?

16 A. Uh-huh.

17 Q. Is that a man or a woman?

18 A. Woman.

19 Q. When did she do that?

20 A. I don't know; July.

21 Q. Of 2003?

22 A. Yes.

23 Q. At your direction?

24 A. Yes.



NANCY CERBUS

1 Q. Do you know what the results  
2 were?

3 A. She was unable to locate it.

4 Q. Unable to locate it?

5 A. Yes.

6 Q. Unable to locate the tape or the  
7 information?

8 A. The information that we would  
9 have loaded onto the system.

10 Q. I'm sorry. Forgive me if I'm  
11 mistaken, but --

12 A. She would not have the tape.

13 Q. I understand that because the  
14 tape is recycled. But I thought you  
15 testified just a few minutes ago that you  
16 actually got a printout of the query  
17 re-dating back to 1996?

18 A. Yes, I have that.

19 Q. You have that. Do you have it  
20 here in your file here?

21 A. No.

22 Q. Do you have it in your file that  
23 we call the office file back in your  
24 office?

NANCY CERBUS

1 A. Possibly, but I would be able to  
2 print it out.

3 Q. Again, because the data is there?

4 A. Yes.

5 Q. What was the result of the  
6 inquiry?

7 A. I located the case in question.

8 Q. Okay. Meaning you located the  
9 data that was originally downloaded from  
10 the City onto the Superior database back  
11 in 1996?

12 A. Yes.

13 Q. Was it downloaded in 1996?

14 A. Yes.

15 Q. Do you know when in 1996?

16 A. I don't.

17 Q. Could you tell me, if you  
18 remember, whether that tape said that  
19 Grace Lawrence owed a judgment of \$2,951?

20 A. I believe, yes.

21 Q. You believe it did?

22 A. (Witness nods.)

23 Q. And this is according to your  
24 inquiry into the Superior database that

NANCY CERBUS

1 have copies of the original tape?

2 A. That's correct.

3 Q. This is something that

4 Mr. Luckman asked you for you said?

5 A. He wanted to know if I had the  
6 file that we originally received from the  
7 court, the raw file.

8 Q. I'm sorry, the wrong file?

9 A. Raw R-A --

10 Q. The raw file, meaning these  
11 monthly tapes that you used to receive by  
12 mail?

13 A. Yes.

14 Q. And you told him what?

15 A. That eventually we couldn't  
16 locate the raw file, but the information  
17 that I had in the database, this is what  
18 it showed.

19 Q. So you told him what the  
20 information showed?

21 A. Yes.

22 Q. Did you ever show him a copy of  
23 the printout?

24 A. I don't know.

NANCY CERBUS

1 Q. You don't know if you ever showed  
2 it?

3 A. (Witness nods.)

4 Q. But he asked you for it?

5 A. Yes.

6 Q. So let's just get this straight.  
7 Mr. Luckman asked you for additional  
8 information concerning the original tape  
9 that Superior received from the City back  
10 in 1996. You don't have that; is that  
11 correct?

12 MR. LUCKMAN: That may have  
13 been a confusing question.

14 BY MR. SOUMILAS:

15 Q. Is it correct that he asked you  
16 for that information?

17 A. Yes.

18 Q. Did he also ask you for the  
19 information that you have on this Superior  
20 database concerning the original  
21 reporting?

22 A. I don't know.

23 Q. You don't know if he did?

24 A. (Witness nods.)

NANCY CERBUS

1 Q. Do you remember if you ever had a  
2 conversation with him concerning that  
3 original reporting?

4 A. Yes.

5 Q. When was that?

6 A. When we were talking on the  
7 phone.

8 Q. When?

9 A. The same day.

10 Q. The same day as his original  
11 request?

12 A. Yes.

13 Q. And was that in the July 2003  
14 time frame?

15 A. Possibly, yes.

16 Q. What did he tell you?

17 A. I don't know -- what's your  
18 question?

19 Q. My question is, you said you  
20 remember having a conversation with him  
21 concerning the information on your  
22 database. I'd like to know what you  
23 remember him telling you about that.

24 A. Oh, I did a search and I said, Oh

NANCY CERBUS

1 I found the case and this is what it  
2 states, the plaintiff versus the  
3 defendant, the filing date, and the dollar  
4 amount.

5 Q. And you conveyed this information  
6 to Mr. Luckman?

7 A. Over the phone, yes.

8 Q. Did he ask you for that  
9 information in the form of a printout or  
10 in any other form?

11 A. I don't know.

12 Q. Now, you said you were on the  
13 phone in speaking with Mr. Luckman about  
14 this information?

15 A. Yes.

16 Q. Is this information that you  
17 would pull up at your desk on your  
18 computer screen?

19 A. Yes.

20 Q. You go directly into the Superior  
21 database and do an inquiry yourself?

22 A. Yes.

23 Q. Did you do the inquiry yourself?

24 A. Yes.

NANCY CERBUS

1 Q. What is involved in doing the  
2 inquiry? What exactly do you need to do?

3 A. You log in, you select your  
4 county, your state and you search the  
5 person's name, hit enter.

6 Q. And do you get information  
7 concerning the first time that this  
8 information was reported to your company?

9 A. No.

10 Q. How do you get to that stage  
11 where you could find out how it was  
12 originally reported in 1996?

13 A. I would have to look in the back  
14 end of the database.

15 Q. The back end of the database?

16 A. Into the data field to look in to  
17 see whether this case was entered into our  
18 database.

19 Q. Is that also something that you  
20 could do from your computer screen in your  
21 office?

22 A. Yes.

23 Q. Does it entail simply clicking  
24 additional windows?

NANCY CERBUS

1 A. Yes.

2 Q. How often is data reported -- or  
3 I should say, back in the '96 time frame,  
4 how often was data reported from the  
5 courts in Philadelphia to Superior?

6 A. Monthly.

7 Q. So once it was reported for the  
8 first month, did it continue to get  
9 reported in subsequent months? In other  
10 words, what I want to understand is, do  
11 you simply have a notation, I would have  
12 reported for the first time some time in  
13 '96, or do you have a history of monthly  
14 reporting?

15 A. What they provide to you is in  
16 more like an index, so you would receive  
17 the entry of the judgment with the dollar  
18 amount and the docket date. And then if  
19 the judgment had a disposition at a later  
20 date, they would then supply that to you  
21 at that point.

22 Q. But my question is, in your  
23 database do you have a monthly history of  
24 the reporting?



NANCY CERBUS

1 A. I don't understand.

2 Q. You could go back and find on  
3 your Superior database when a particular  
4 judgment was originally reported from the  
5 courts to Superior, correct?

6 A. Yes.

7 Q. You also told me that the courts  
8 send you a tape every month?

9 A. Yes.

10 Q. My question is, does your  
11 database have a complete history of the  
12 reporting from month to month?

13 A. Yes.

14 Q. And this is something that you  
15 could also print out?

16 A. Yes.

17 Q. Did you review that history in  
18 connection with this matter?

19 A. Yes.

20 Q. Was this judgment being reported  
21 by the City of Philadelphia against  
22 Ms. Lawrence every month?

23 A. I think there is a disconnect.

24 Let's go back. When you receive the

NANCY CERBUS

1 monthly tape, say you receive the tape for  
2 July, you only receive the judgment from  
3 July. The next month you'll receive the  
4 judgment from August, so you would only  
5 receive this judgment once.

6 Q. That's exactly what I was trying  
7 to get at. So when you get the next  
8 monthly tape, it will not re-update the  
9 judgment that you got originally; is that  
10 what you're telling me?

11 A. Unless there is a disposition  
12 update.

13 Q. Okay. So for all intents and  
14 purposes you get it once, unless there is  
15 a disposition update?

16 A. Yes, or unless there is a  
17 subjudgment to the case.

18 Q. I'm sorry, a what?

19 A. A subjudgment to the case.

20 Q. What is that?

21 A. Meaning if there's another party  
22 to a case with a judgment filed at a later  
23 date or a counter claim.

24 Q. Could you give me an example of

NANCY CERBUS

1           that?

2           A.           If Docket No. 123 of 2003 had a  
3           judgment filed in January of 2003 for  
4           \$500, it would be reported in the January  
5           information. Next month there's an  
6           additional judgment on that same docket  
7           number with a February date, it would then  
8           be reported as well.

9           Q.           So it would be a second judgment  
10          on another party, for example?

11          A.           That's correct.

12          Q.           Concerning the judgment that you  
13          say was against Grace Lawrence, did you  
14          receive any updates to the original  
15          reporting?

16          A.           No.

17          Q.           Do you know what month in 1996  
18          you received the original tape?

19          A.           For this particular one, I don't  
20          know the date that we received it.

21          Q.           You're sure it was 1996?

22          A.           I can confirm. I'm not sure.

23          Q.           And you're sure that it was  
24          against her, not in her favor?

60

NANCY CERBUS

1 A. Yes.

2 Q. Okay. We were talking about  
3 additional documents that Mr. Luckman  
4 asked you for and we got into all this  
5 when you told me that he asked for the  
6 original 1996 reporting. What other

7 documents, if any, did he ask you for?

8 A. I don't know. I can't really  
9 remember.

10 Q. Was it your understanding that  
11 all of the documents were going to be in  
12 response to the subpoena that my office  
13 served on your company?

14 A. Yes.

15 Q. Was it your understanding that  
16 you didn't have any independent obligation  
17 to turn those documents over to me?

18 MR. LUCKMAN: Object to the  
19 form.

20 THE WITNESS: I don't  
21 know.

22 BY MR. SOUMILAS:

23 Q. You don't know whether that was  
24 your understanding?

NANCY CERBUS

1 A. Yeah.

2 Q. I'm just asking you, sitting here  
3 today what do you believe? Do you believe  
4 that you had to turn those documents over  
5 to me or to Mr. Luckman?

6 A. I believe based on the letter  
7 that I responded to you with that I would  
8 work to give Trans Union documents that  
9 you needed.

10 Q. And you gave Trans Union those  
11 four documents that we spoke about earlier  
12 including the 2003 judgment information?

13 A. The public record --

14 Q. The public record?

15 A. -- retrieval.

16 Q. Okay. So is that a public record  
17 concerning a judgment on Grace Lawrence?

18 A. Yes.

19 Q. That's separate from the tape  
20 that you originally got in 1996?

21 A. Yes.

22 Q. Do you know whether that public  
23 record information also has the judgment  
24 against Ms. Lawrence?

NANCY CERBUS

1 A. I don't know.

2 Q. You don't know that. Are there  
3 any other documents that you were asked to  
4 turn over to Trans Union either in  
5 connection with the subpoena or for any  
6 other reason?

7 A. I can't remember.

8 Q. How many conversations have you  
9 had with Mr. Luckman since, let's say the  
10 beginning of this year?

11 A. I don't know exactly, but I would  
12 say about -- I don't know, five to seven.

13 Q. Were they in person or over the  
14 telephone?

15 A. Telephone.

16 Q. When would you place them  
17 chronologically? Do you know when they  
18 began?

19 A. Yes, they began after I received  
20 the subpoena.

21 Q. So roughly May of 2003?

22 A. Yes.

23 Q. And you have had five to seven  
24 telephone calls with Mr. Luckman since May

NANCY CERBUS

1 2003?

2 A. Yes.

3 Q. Okay.

4 A. Possibly.

5 Q. You told me about what documents  
6 you turned over to Mr. Luckman. You told  
7 me about other documents or information  
8 that he asked for, okay, in terms of  
9 documents.

10 Did he ask for any other  
11 information that's not documentary  
12 information?

13 Do you understand my  
14 question?

15 A. No.

16 Q. I just want to make sure that I'm  
17 covering all my basis. You told me about  
18 the documents that you turned over to him,  
19 and you also told me that he asked you for  
20 documentation concerning this original  
21 tape back in 1996. And you're not sure  
22 whether you turned over to him the  
23 printout from your computer. That all I'm  
24 going to put in the documents count.

NANCY CERBUS

1 I'm asking you now, did he  
2 ask you any other information from your  
3 memory or from like asking around your  
4 company that doesn't relate to documents  
5 about this case?

6 A. I can't think of anything else.

7 Q. What did you talk about the five  
8 to seven times that you spoke?

9 A. We spoke about pulling this  
10 information, Superior procedures, how we  
11 would go about reporting this judgment to  
12 Trans Union and other credit companies.  
13 You know, just these general questions.

14 Q. Okay. Did Mr. Luckman ever tell  
15 you that Ms. Lawrence's claims of the  
16 judgment is not against her?

17 A. I don't know.

18 Q. Did Mr. Luckman ever ask you  
19 whether you think anyone at Superior made  
20 a mistake in reporting the judgment to  
21 Trans Union against Ms. Lawrence?

22 A. I don't know.

23 Q. You don't know whether he ever  
24 asked you whether there was any mistake



NANCY CERBUS

1 ever made?

2 A. Mistake, I don't know.

3 Q. Did he ask you whether there was  
4 anything done intentionally to this  
5 reporting?

6 A. Intentionally?

7 Q. Yes.

8 A. What do you mean?

9 Q. You said "mistake, I don't know."  
10 So I'm just trying to follow-up to see if  
11 there was something other than a mistake.

12 MR. LUCKMAN: Object to the  
13 form.

14 THE WITNESS: I don't  
15 understand.

16 BY MR. SOUMILAS:

17 Q. Did Mr. Luckman and you ever  
18 speak about whether the information  
19 concerning Ms. Lawrence owing a judgment  
20 was accurate; that is to say did she  
21 really owe that judgment? Did you ever  
22 have discussions about the accuracy of  
23 that reporting?

24 A. Sure, yes.

NANCY CERBUS

1 Q. What did he tell you about that?

2 A. We spoke about it, and I said,  
3 Let me pull the court record so I can  
4 then, you know, go through this with you.

5 Q. So you wanted to pull the court  
6 record in July of 2003 and see what was  
7 going on?

8 A. Yes.

9 Q. Did you first go on your database  
10 and find out how you were reporting it?

11 A. Yes.

12 Q. Did you first find the CDVs from  
13 2001 and 1998?

14 A. Probably not that day, but in the  
15 next couple days.

16 Q. Was it before going to the court  
17 to get the paper record?

18 A. We probably would have done it  
19 all at the same time.

20 Q. All at the same time, okay.

21 Do you remember any other  
22 conversations? You said there were five  
23 to seven total conversations.

24 A. It would have been the same

NANCY CERBUS

1 information.

2 Q. Now, I think we talked about  
3 conversations with Mr. Luckman,  
4 information provided to Mr. Luckman,  
5 information about which Mr. Luckman  
6 acquired that you did not -- you're not  
7 sure whether you provided to him, and we  
8 talked about your file here, your file in  
9 your office and your computer databases.  
10 Is there any other information anywhere in  
11 your company that may pertain to  
12 Ms. Lawrence? Any other computer database  
13 that they have information about or your  
14 reporting to Trans Union, any e-mails, any  
15 correspondence, any memoranda, to your  
16 knowledge?

17 A. I don't think so.

18 Q. Are there any other policies or  
19 procedures concerning the reporting of  
20 judgments other than the ones that you  
21 mentioned here today?

22 A. Superior's?

23 Q. Superior's policies and  
24 procedures?

NANCY CERBUS

1 A. Yes.

2 Q. There are?

3 A. Uh-huh.

4 Q. What are they?

5 A. We have collection procedures,  
6 when to collect judgments, how to collect  
7 judgements.

8 Q. Maybe my question was not clear.  
9 I'm just talking about the retrieval of  
10 judgment information and the reporting of  
11 it to Trans Union or other credit bureaus.  
12 I'm not talking about the collections.

13 Your company personally  
14 collects judgments?

15 A. Yes.

16 Q. I don't care about that for now.  
17 What I want to know is other policies that  
18 pertain to the reporting of the  
19 information to Trans Union or other credit  
20 bureaus.

21 A. Like, what we -- I'm sorry, I  
22 don't understand.

23 Q. Do you have any policies about  
24 how you process or how you distribute

NANCY CERBUS

1 credit information to credit bureaus other  
2 than the documents that we spoke about  
3 today?

4 A. Yes.

5 Q. Contracts, for example?

6 A. Yes.

7 Q. What do you have?

8 A. We have contracts.

9 Q. With who?

10 A. The credit companies.

11 Q. The credit companies. Which  
12 credit companies?

13 A. Trans Union, Equifax, Spherion,  
14 Dunn & Brad Street.

15 Q. So the credit reporting  
16 companies?

17 A. Yes.

18 Q. Any other procedure or policy  
19 manuals concerning your business with  
20 these companies?

21 A. Yes.

22 Q. What other ones?

23 A. We have criteria -- output  
24 criteria to each client.

NANCY CERBUS

1 Q. Output criteria?

2 A. Yes.

3 Q. What is that?

4 A. Based upon the information that  
5 client wishes to receive, we have criteria  
6 for each client and a procedure.

7 Q. Is that to say Trans Union wants  
8 information XYZ concerning bankruptcy,  
9 whereas another client might want  
10 different information?

11 A. Yes.

12 Q. Are these your written internal  
13 policies?

14 A. Yes.

15 Q. Are they in a handbook or what  
16 are they called?

17 A. Yes, it's in a booklet.

18 Q. What is the booklet called?

19 A. Output criteria.

20 Q. Output criteria booklet, okay.  
21 Are these policies something you negotiate  
22 with the credit reporting companies or do  
23 you come up with the policies on your own?

24 A. They're negotiated.

NANCY CERBUS

1 Q. They're negotiated. How about  
2 other manuals or booklets or pamphlets  
3 concerning your policies on credit  
4 reporting or reporting credit information,  
5 excuse me.

6 A. We have training guides.

7 Q. For who?

8 A. For our collections.

9 Q. For your collections people?

10 A. Uh-huh.

11 Q. Let's take that off the table  
12 again. Just the retrieval of credit  
13 information and how you process it for the  
14 credit bureaus, how you sell it to them  
15 and so forth. Anything else in terms of  
16 procedures or manuals, memos?

17 A. I can't think of anything right  
18 now.

19 Q. Okay.

20 MR. LUCKMAN: Could you  
21 tell me when you're at a point for a two  
22 minute break?

23 MR. SOUMILAS: Sure. Right  
24 now is perfect.

NANCY CERBUS

1 - - -

2 (Whereupon a brief recess  
3 was taken at 11:52 a.m. and the deposition  
4 resumed at 12:00 p.m.)

5 - - -

6 BY MR. SOUMILAS:

7 Q. Ms. Cerbus, we just took a brief  
8 break. Did you have any conversations  
9 regarding your testimony with Mr. Luckman?

10 A. Yes.

11 Q. You did?

12 A. (Witness nods.)

13 Q. What did you discuss?

14 A. I told him that I was hoping that  
15 it would go a little faster because I have  
16 a train to catch.

17 Q. I'm hoping that it goes faster  
18 myself.

19 MR. LUCKMAN: I second her  
20 motion, by the way.

21 BY MR. SOUMILAS:

22 Q. I'll try to accommodate you in  
23 that respect. When is your train?

24 A. 2:00.



NANCY CERBUS

1 Q. Did you have any conversation  
2 about anything else?

3 A. Yes.

4 Q. What else, concerning your  
5 testimony; not personally?

6 A. Not really, no.

7 Q. Not really. All right.

8 Up to this point you've  
9 identified for me many pieces of  
10 information that I will tell you  
11 Ms. Lawrence is going to take deposition  
12 through our firm are responsive to the  
13 subpoena for documents. Obviously if you  
14 don't want to turn over the documents that  
15 you have with you today, that's fine,  
16 that's your choice. But based on your  
17 testimony about the existence of these  
18 documents and my physical view that you  
19 have them right here in front of you, we  
20 are going to seek assistance from a court  
21 with a motion for contempt under the  
22 Federal rules of civil procedure to get  
23 those documents turned over to us. And if  
24 sanctions are appropriate for such a

NANCY CERBUS

1 motion, we would also seek that. I just  
2 want to make that clear to you because  
3 this subpoena has been outstanding now for  
4 about four months and really the heart of  
5 this case is what is the information that  
6 you have about this judgment that  
7 Ms. Lawrence says was not against her.  
8 And you're telling me you have judgment  
9 information or information from a court  
10 right here with you and you're unwilling  
11 to turn it over, then my only recourse is  
12 to go to the judge and get a contempt  
13 order to turn it over. Do you understand  
14 that?

15 MR. LUCKMAN: Just so we're  
16 clear, you said that you've seen the  
17 documents that are right here. And that,  
18 as far as I can tell, is not accurate.  
19 The documents haven't left the folder.  
20 She's described them. No one has seen  
21 them.

22 MR. SOUMILAS: Let me make  
23 that clear for the record. There are a  
24 couple of folders sitting on our table

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NANCY CERBUS

1 right in front of Ms. Cerbus and I have  
2 seen her consulting those folders. We  
3 have not seen those documents and I do not  
4 know what precisely she has here with her  
5 today or in her office. Is that fair?

6 MR. LUCKMAN: Yes, that's  
7 fair. It may have sounded like you  
8 reviewed them but not gotten them kind of  
9 thing.

10 MR. SOUMILAS: I'm glad we  
11 clarified that for the record. Okay.

12 BY MR. SOUMILAS:

13 Q. So that's your choice, but let's  
14 move onward to other information that I  
15 need to ask you in connection with this  
16 deposition.

17 You said you've given  
18 deposition testimony before?

19 A. Yes.

20 Q. When?

21 A. A couple years ago.

22 Q. As in two years ago?

23 A. I can't remember.

24 Q. Was it Federal or State court?

NANCY CERBUS

1 A. I can't remember.

2 Q. Do you know where it was  
3 geographically?

4 A. Yes.

5 Q. Where?

6 A. It happened at my office.

7 Q. The deposition was at your  
8 office. What type of case was it?

9 A. Civil.

10 Q. Did it have to do with reporting  
11 of judgments or other public record  
12 information?

13 A. Yes.

14 Q. Do you know who the plaintiff or  
15 who the defendant was in that case?

16 A. I can't recall.

17 Q. Was your company a party to the  
18 case?

19 A. No.

20 Q. Do you know if Trans Union was a  
21 party to that case?

22 A. Yes.

23 Q. Was Mr. Luckman there?

24 A. Yes.

NANCY CERBUS

1 Q. Do you know what the case  
2 involved? What type of public record was  
3 at issue?

4 A. I can't remember.

5 Q. Do you know how the case was  
6 resolved?

7 A. No.

8 Q. Did you testify about your  
9 company's relationship as a public records  
10 vendor for Trans Union? Did you give  
11 testimony on that subject?

12 A. Testified?

13 Q. You said it was a deposition,  
14 right?

15 A. Yes.

16 Q. And what I mean, at the  
17 deposition did you give testimony about  
18 your company's relationship as a public  
19 records vendor for Trans Union?

20 A. Yes, I did.

21 Q. Do you know who the plaintiff's  
22 lawyer was who was taking your deposition?

23 A. I can't recall.

24 Q. Do you know if that case ever

NANCY CERBUS

1       went to court?

2       A.       I can't recall.

3       Q.       Did you give any other  
4       depositions?

5       A.       No.

6       Q.       Ever in your life?

7       A.       No.

8       Q.       About any other matter?

9       A.       No.

10      Q.       Did you ever testify in court?

11      A.       No.

12      Q.       About any matter whatsoever?

13      A.       No.

14      Q.       Never as a witness?

15      A.       No.

16      Q.       Were you ever a party to a  
17      lawsuit?

18      A.       No.

19      Q.       Is your company a party to a  
20      lawsuit?

21      A.       Yes.

22      Q.       I'm sure your company may be a  
23      party to multiple lawsuits as a lot of  
24      companies are. Is your company presently

NANCY CERBUS

1 as we sit here today a party to any  
2 lawsuit involving the reporting of public  
3 records information to credit bureaus?

4 A. Not to my knowledge.

5 Q. Has your company ever been  
6 involved in that type of a lawsuit?

7 A. Not to my knowledge.

8 Q. Your title at Superior you told  
9 me is Vice President. Is it Vice  
10 President of Data Services?

11 A. Data Information Services.

12 Q. Data Information Services.

13 MR. SOUMILAS: I'd like to  
14 mark as Cerbus-2 the declaration that you  
15 provided in this case.

16 - - -

17 (Whereupon, Exhibit  
18 Cerbus-2 was marked for identification.)

19 - - -

20 BY MR. SOUMILAS:

21 Q. How long have you been Vice  
22 President of Data Information Services?

23 A. Five months.

24 Q. Five months?

NANCY CERBUS

1 A. Uh-huh.

2 Q. Since when?

3 A. May of 2003.

4 Q. Is there such a position as Vice  
5 President of Data Services at your  
6 company?

7 A. No.

8 Q. Would you just take a look at  
9 Cerbus-2 which is the declaration you  
10 prepared for Trans Union in this case and  
11 take a look at the first numbered  
12 paragraph that reads, I am Vice President,  
13 Data Services of Superior Information  
14 Services, Inc. Do you see that?

15 A. Yes.

16 Q. Is that a mistake?

17 A. Yes.

18 Q. Did you review this declaration  
19 before you signed it?

20 A. I did.

21 Q. Did you type it?

22 A. I didn't.

23 Q. Did you input it into a computer?

24 A. No.



NANCY CERBUS

1 Q. Did Mr. Luckman's firm prepare it  
2 for you?

3 A. Yes.

4 Q. Did you review it for accuracy  
5 before you signed it?

6 A. Yes.

7 Q. Is that your signature at the  
8 bottom of the third page next to the date  
9 August 7, 2003?

10 A. Yes.

11 Q. You just didn't catch the fact  
12 that your title was wrong?

13 A. My title is correct. The  
14 services part is incorrect.

15 Q. So your title is Vice President,  
16 Data Information Services, and information  
17 is missing from your description of your  
18 title here?

19 A. Yes.

20 Q. Was that just something that you  
21 didn't see?

22 A. Yes.

23 Q. How long have you been with  
24 Superior?

NANCY CERBUS

1 A. Over 11 years.

2 Q. And what are your  
3 responsibilities as Vice President of Data  
4 Information Services?

5 A. I'm responsible for the  
6 collection of the information, the  
7 services, the output of the data to our  
8 clients.

9 Q. Okay. What else are you  
10 responsible for, if anything?

11 A. Finances, hiring. Pretty much  
12 general operations, sales.

13 Q. What did you do before your  
14 present title?

15 A. I was director of Core Data  
16 Services.

17 Q. Director of Core Data?

18 A. Uh-huh.

19 Q. How long did you do that?

20 A. Since April of 1999.

21 Q. What were your responsibilities  
22 in that position?

23 A. I was responsible for the  
24 collection of the information and

NANCY CERBUS

1 different services and three business  
2 lines.

3 Q. What do you mean by "business  
4 lines"?

5 A. Different product lines that we  
6 have in our business makeup.

7 Q. What are those product lines?

8 A. Core Data Services, our list  
9 business and corporate services.

10 Q. What is the difference between  
11 each?

12 A. Our core data is the information  
13 that we collect. The list business is we  
14 do like home owners lists, we collect data  
15 mortgage information, we have lists like  
16 that. And corporate services is where we  
17 incorporate businesses internationally and  
18 nationally in all 50 states.

19 Q. You incorporate them?

20 A. Yes.

21 Q. So some company comes to you that  
22 wants to start up and they need  
23 incorporation papers?

24 A. Yes.

NANCY CERBUS

1 Q. Does your company employ  
2 attorneys?

3 A. We could, yeah.

4 Q. Do they?

5 A. Sure.

6 Q. In-house attorneys?

7 A. We don't have any in-house  
8 attorneys.

9 Q. Is there a legal department?

10 A. No.

11 Q. When a subpoena goes to your  
12 company, who is it referred to?

13 A. Usually the president.

14 Q. Do you use outside counsel to be  
15 represented?

16 A. Yes.

17 Q. Who do you use?

18 A. Different firms.

19 Q. Which ones?

20 A. Fox, Rothschild.

21 Q. Anybody else?

22 A. I'm sure, but I just don't know.

23 Q. Do you know whether you use Fox,  
24 Rothschild here in Philadelphia?

NANCY CERBUS

1       A.       I don't.  
2       Q.       Who is responsible for that?  
3       A.       It would be our president.  
4       Q.       Who is that?  
5       A.       Steven Craig.  
6       Q.       Steven Craig. Could you spell  
7       that?  
8       A.       C-R-A-I-G.  
9       Q.       Prior to your being director of  
10      Core Data Services, what did you do for  
11      Superior?  
12      A.       I was in sales.  
13      Q.       Was that your title, sales  
14      representative?  
15      A.       I was account executive.  
16      Q.       Account executive. And for how  
17      long did you do that?  
18      A.       A little over a year.  
19      Q.       So 1998 to 1999?  
20      A.       Yes.  
21      Q.       And what did you do as an account  
22      executive?  
23      A.       I sold our on-line system that we  
24      have available and I was responsible for

NANCY CERBUS

1 national licensing accounts.

2 Q. Who did you sell it to? What  
3 type of companies?

4 A. Licensing to Lexus, Nexus, West  
5 Group, law firms.

6 Q. What did you do prior to that?

7 A. Prior to that I was part of the  
8 data collections group, field collections  
9 and I was responsible for the supervision  
10 and collection of public records in  
11 different states.

12 Q. What was your title?

13 A. Supervisor.

14 Q. Of data collection?

15 A. Yes.

16 Q. How long did you do that?

17 A. Since 1992.

18 Q. Is that when you joined the  
19 company?

20 A. Yes.

21 Q. So 1992 to 1998 you were a  
22 supervisor?

23 A. Yes.

24 Q. What did you do prior to joining

NANCY CERBUS

1 Superior Information Services?

2 A. I did criminal background checks  
3 for about six years in Philadelphia  
4 County.

5 Q. Did you work for a company doing  
6 that or for yourself?

7 A. Company.

8 Q. What company?

9 A. Justifacts Credential  
10 Verification Services in Pittsburg.

11 Q. Justifacts?

12 A. Uh-huh.

13 Q. Did you work out of Pittsburg?

14 A. No.

15 Q. You worked in Philadelphia?

16 A. Yes.

17 Q. Where was your office?

18 A. I was home based.

19 Q. I'm sorry?

20 A. Home based.

21 Q. You worked out of your home?

22 A. Yes.

23 Q. Was your home in Philadelphia at  
24 the time or in New Jersey?

NANCY CERBUS

1 A. Philadelphia.

2 Q. I'm sorry, I presume it's in New  
3 Jersey because Superior is now in New  
4 Jersey. Was your home in Philadelphia?

5 A. Yes.

6 Q. And you worked out of your home?

7 A. Yes.

8 Q. And you did criminal background  
9 checks for this company?

10 A. Yes.

11 Q. Who was your immediate supervisor  
12 at the time?

13 A. Marsha, and I can't remember.

14 Q. Was she here in Philadelphia or  
15 in Pittsburg?

16 A. Pittsburg.

17 Q. Do you remember any superior of  
18 yours by a full name, whether immediate or  
19 a level above?

20 A. No.

21 Q. You don't remember anybody. Do  
22 you remember any co-workers?

23 A. I didn't have any here.

24 Q. You didn't have any. How about



NANCY CERBUS

1 before Justifacts -- I'm sorry, did I ask  
2 you how long did you work for Justifacts?  
3 Six years you told me? So 1996 roughly to  
4 1992?

5 A. No, like '88 to --

6 Q. Yeah, I misspoke. I mean '86 to  
7 '92?

8 A. No, it was like '88 to '94,  
9 something like that.

10 Q. I thought you told me you started  
11 working for Superior in 1992?

12 A. I did. I worked two jobs.

13 Q. I understand. Were you working  
14 full-time for Superior back in 1992?

15 A. Yes.

16 Q. Were you working full-time for  
17 Justifacts?

18 A. No.

19 Q. Did you work full-time for  
20 Justifacts at any point?

21 A. No.

22 Q. Did you have any other position  
23 while you were working for Justifacts as a  
24 criminal background check?

NANCY CERBUS

1       A.       Jobs?

2       Q.       Any other jobs?

3       A.       Yes.

4       Q.       At the same time?

5       A.       Yes.

6       Q.       What other jobs?

7       A.       I worked at a counseling center.

8       Q.       I'm sorry?

9       A.       I worked at a counseling center.

10      Q.       Okay. Which one?

11      A.       Temple University.

12      Q.       Anything else?

13      A.       I worked in a restaurant.

14      Q.       Which one?

15      A.       Double Decker.

16      Q.       I'm sorry?

17      A.       Double Decker.

18      Q.       Prior to having these jobs and

19       working on a part-time basis for

20       Justifacts, what did you do?

21      A.       Prior?

22      Q.       Yes.

23      A.       I went to college.

24      Q.       Where did you go to college?

NANCY CERBUS

- 1 A. Temple.
- 2 Q. Here in Philadelphia?
- 3 A. Yes.
- 4 Q. Did you graduate?
- 5 A. Yes.
- 6 Q. When?
- 7 A. I graduated in 1992.
- 8 Q. With what type of degree?
- 9 A. Bachelor in Business
- 10 Administration.
- 11 Q. Bachelor of Arts in Business
- 12 Administration?
- 13 A. Bachelor of Business
- 14 Administration.
- 15 Q. Do you have any other college
- 16 education other than your Temple Bachelor
- 17 of Business Administration degree?
- 18 A. No.
- 19 Q. Have you taken any courses or any
- 20 certifications or any training since you
- 21 graduated from Temple in 1992?
- 22 A. Sure.
- 23 Q. What?
- 24 A. Courses. I've done a lot of

NANCY CERBUS

1 sales courses, Dow Carnegie. I have  
2 taken --

3 Q. I'm sorry, Dow Carnegie you said?

4 A. Dow Carnegie.

5 Q. Okay. When was that?

6 A. I don't know. Early '90s.

7 Q. Sales courses with Dow Carnegie  
8 in the early '90s. Anything else?

9 A. I've taken financial courses.

10 Q. Where?

11 A. The seminars that my company sets  
12 up for us.

13 Q. Your company, Superior?

14 A. Yes.

15 Q. When was that?

16 A. '94.

17 Q. Anything else?

18 A. Yeah. I mean I've taken a lot of  
19 courses.

20 Q. Did you ever take any courses in  
21 law or do you have any legal background?

22 A. I was a legal studies major.

23 Q. At Temple?

24 A. At Temple, legal studies and

NANCY CERBUS

1 finance.

2 Q. So you had a double major as they  
3 say?

4 A. Yes.

5 Q. Legal studies and finance?

6 A. Yes.

7 Q. And your degree was Bachelor of  
8 Business Administration?

9 A. Yes.

10 Q. Have you had any legal training  
11 beyond your studies at Temple as a legal  
12 studies major?

13 A. We've done -- like the company  
14 will go to like the new courses on -- you  
15 know, any of the new courses that our law  
16 firm will put out for -- whether it's, you  
17 know, fair collection practices or  
18 privacy. I mean we attend a lot of  
19 seminars on that related to public  
20 records.

21 Q. I'm not sure I understood that.  
22 You said our law firm puts out. Does that  
23 mean Fox, Rothschild?

24 A. Or a law firm in our area.

NANCY CERBUS

1 Q. So if a law firm does a  
2 presentation or a seminar, you may attend  
3 it as a representative of Superior  
4 Information Services?

5 A. Yes.

6 Q. You personally?

7 A. Yes.

8 Q. Do you know which ones you've  
9 attended recently? By recently I mean the  
10 last five years.

11 A. I did the privacy -- the whole  
12 privacy that was in New Jersey and in  
13 California. I attended both of those.

14 Q. Privacy legal seminar?

15 A. Uh-huh.

16 Q. Do you know who gave it?

17 A. Yes, Daria -- I can't remember.

18 Q. Daria is the presenter's first  
19 name?

20 A. Yes.

21 Q. It is a woman?

22 A. Yes.

23 Q. Do you know where she works?

24 A. She works out of California.

NANCY CERBUS

1 Q. And you attended this  
2 presentation both in New Jersey and in  
3 California?

4 A. Uh-huh.

5 Q. Was it a one-day presentation?

6 A. Yes.

7 Q. One day each?

8 A. Yes.

9 Q. On privacy?

10 A. Yes.

11 Q. Anything else in terms of legal  
12 training since your Temple days?

13 A. Not that I can recall.

14 Q. Your company, Superior  
15 Information Services you told me has a  
16 single location in Trenton, New Jersey?

17 A. Yes.

18 Q. No other outlets or offices  
19 anywhere?

20 A. No.

21 Q. How many employees does it have?

22 A. Approximately 115.

23 Q. All at that Trenton location?

24 A. No.

NANCY CERBUS

1 Q. Where are employees elsewhere?

2 A. We collect public records in the  
3 mid-Atlantic region, so a lot of our  
4 employees that collect the judgment and  
5 lien information in the courts are home  
6 based.

7 Q. Okay. Does the 115 number  
8 include independent contractors or is it  
9 your employees?

10 A. Employees.

11 Q. Do you have any independent  
12 contractors?

13 A. Yes.

14 Q. How many?

15 A. We probably use about 80  
16 independent contractors.

17 Q. And are those individuals also  
18 based close to the courthouses where you  
19 retrieve information from?

20 A. Yes.

21 Q. Is Mr. Palmer one such person?

22 A. Yes.

23 Q. Is he still working for your  
24 company?



NANCY CERBUS

1       A.       Yes.

2       Q.       Do you know where he's based?

3       A.       Yes.

4       Q.       Where?

5       A.       Philadelphia.

6       Q.       Does he in effect work out of his

7       home?

8       A.       Yes.

9       Q.       Does he have an independent

10       contractor agreement or contract with your

11       company?

12       A.       Yes.

13       Q.       Where would your company's copy

14       of that contract be?

15       A.       It would be in Trenton.

16       Q.       Your company maintains copies of

17       such agreements?

18       A.       Yes.

19       Q.       Have you spoken with Mr. Palmer

20       in connection with this matter?

21       A.       Yes.

22       Q.       When did you speak with him?

23       A.       I called him after I received the

24       subpoena and the phone calls, and asked

NANCY CERBUS

1 him if he could go and retrieve the  
2 documents from the court.

3 Q. Why did you call him?

4 A. Because I wanted to get the  
5 papers to me so I could review them.

6 Q. Is Mr. Palmer the only individual  
7 in Philadelphia that gets documents from  
8 the Philadelphia Municipal Court?

9 A. Yes.

10 Q. I see. Did you call him at home?

11 A. I would imagine that I probably  
12 called him on his cell, but I can't  
13 remember.

14 Q. Do you know if he has a separate  
15 office or does he do the work out of his  
16 home or free-lance?

17 A. It's free-lance.

18 Q. So when you communicate with him  
19 it's either on his cell or at his home?

20 A. It's usually on his cell.

21 Q. Does he also work full-time for  
22 another employer?

23 A. Yes.

24 Q. And still does?

NANCY CERBUS

- 1 A. Yes.
- 2 Q. Who is that?
- 3 A. City of Philadelphia.
- 4 Q. Do you know whether the City of
- 5 Philadelphia knows that he also does
- 6 independent contractor work for your
- 7 company?
- 8 A. I don't know.
- 9 Q. How long has Mr. Palmer worked
- 10 for your company?
- 11 A. He's done work for us since 1998.
- 12 Q. As an independent contractor?
- 13 A. Yes.
- 14 Q. Was there a person who handled
- 15 the Philadelphia region prior to 1998?
- 16 A. Yes.
- 17 Q. Who is that?
- 18 A. It was Joy Graypin.
- 19 Q. I'm sorry?
- 20 A. Joy Graypin, G-R-A-Y-P-I-N.
- 21 Q. Is Ms. Graypin still affiliated
- 22 with your company in any way as an
- 23 employee or an independent contractor?
- 24 A. No.

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NANCY CERBUS

1 Q. Does she have any other type of  
2 relationship with your company?

3 A. No.

4 Q. Do you know where she is?

5 A. No.

6 Q. Do you have any personnel records  
7 concerning Ms. Graypin?

8 A. Personnel?

9 Q. Like a personnel file,  
10 independent contractor contract, any  
11 old --

12 A. Possibly.

13 Q. Who would have that in your  
14 company? Who would maintain such records?

15 A. It would fall under our  
16 independent group, so we would look in  
17 that file, into that cabinet.

18 Q. Who has the independent group?

19 A. Depending on which manager  
20 manages that region.

21 Q. Who would have the area that  
22 would encompass Philadelphia?

23 A. Stephanie Hoover.

24 Q. Hoover?

NANCY CERBUS

1 A. H-O-O-V-E-R.

2 Q. And Ms. Hoover works in Trenton?

3 A. She actually works out of  
4 Harrisburg, home based.

5 Q. You said you spoke with  
6 Mr. Palmer. Was it over the phone?

7 A. Yes.

8 Q. What did you tell him?

9 A. I asked him if he could pull the  
10 record for this particular docket that I  
11 was providing to him.

12 Q. Was this in the July 2003 time  
13 frame?

14 A. Or it might have been sooner.

15 Q. I'm sorry, sooner meaning?

16 A. Between May and July.

17 Q. It could have been before you  
18 actually got it, right.

19 And did you discuss anything  
20 else with him?

21 A. Yeah. I would have discussed,  
22 you know, the case, what he actually saw  
23 from the documents.

24 Q. Did you tell him why you were

NANCY CERBUS

1 asking him to retrieve those records, that  
2 there was a lawsuit?

3 A. Yes.

4 Q. Did he retrieve the records?

5 A. Yes.

6 Q. Did he get them to you?

7 A. Yes.

8 Q. How did he get them to you?

9 A. He faxed them over to me.

10 Q. How many records are there, do  
11 you know? You said it's a fax, so I'm  
12 sensing it's not very much documentation?

13 A. There was the record in Municipal  
14 Court and I believe it was appealed to the  
15 Court of Common Pleas.

16 Q. You don't know how many pages?

17 A. I don't recall.

18 Q. Do you know where he faxed them  
19 from?

20 A. I don't.

21 Q. Did he fax them directly to your  
22 office?

23 A. Yes.

24 Q. Did Mr. Palmer have any

NANCY CERBUS

1 recollection about any of the  
2 investigations that were conducted in 2001  
3 or in 1998 when he started with the  
4 company concerning Ms. Lawrence?

5 A. No.

6 Q. Did you ask him whether he ever  
7 recalled seeing judgment records from the  
8 Municipal Court?

9 A. He does see them. He sees them.

10 Q. I'm sorry, my question wasn't  
11 clear. I want to know whether you asked  
12 him if he ever recalled seeing judgment  
13 records concerning Ms. Lawrence in doing  
14 his duties as an independent contractor  
15 for Superior. Did you ask him that?

16 A. I'm sorry, did I ask him?

17 Q. Did you ask him if he ever  
18 recalled seeing any records over the

19 judgment against Ms. Lawrence?

20 A. I don't remember.

21 Q. Do you know sitting here today  
22 whether he has any personal recollection  
23 of ever having seen such records?

24 A. I don't.

NANCY CERBUS

1 Q. Did you ever discuss that issue  
2 with him?

3 A. No.

4 Q. You never specifically remember  
5 discussing with him if he has any  
6 recollection concerning records concerning  
7 Ms. Lawrence?

8 A. No, I wouldn't have.

9 Q. You wouldn't have asked him that?

10 A. No.

11 Q. You said you told him what the  
12 lawsuit was about?

13 A. That's correct.

14 Q. Would he have been the person  
15 that did the verification for your company  
16 in 1998 and 2001?

17 A. Yes.

18 Q. But you --

19 A. I'm sorry, no.

20 Q. Would he have done it in 2001?

21 A. Yes.

22 Q. Would he have done it in 1998?

23 A. No.

24 Q. Who would have done it in 1998?



NANCY CERBUS

1 A. Joy.

2 Q. Did you ask him whether he has  
3 any records or any recollection concerning  
4 the 2001 verification?

5 A. No.

6 Q. You didn't even ask?

7 A. No.

8 Q. Okay. Now, you told me, and  
9 correct me if I'm wrong, that he faxed  
10 paper records from the court to you around  
11 July of 2003?

12 A. Yes.

13 Q. And do you remember -- I know you  
14 didn't remember earlier, but do you  
15 remember now whether those records show  
16 that Ms. Lawrence had a judgment against  
17 helper or in her favor?

18 A. I don't recall.

19 Q. You still don't recall, okay.  
20 You said that you're the person  
21 responsible for your company in looking  
22 into this Lawrence matter in connection  
23 with the lawsuit, that you're the person  
24 responsible for it?

NANCY CERBUS

1 A. Yes.

2 Q. And you're the one who kept the  
3 file and asked people to retrieve  
4 information and so forth?

5 A. Yes.

6 Q. And you asked people to look for  
7 records within the company to see what was  
8 there?

9 A. Yes.

10 Q. Such as the CDV records?

11 A. Yes.

12 Q. Did you ever since May of 2001  
13 when I sent you the subpoena --

14 MR. LUCKMAN: 2003.

15 MR. SOUMILAS: Yes. Thank  
16 you, I misspoke.

17 BY MR. SOUMILAS:

18 Q. May 2003 when my firm sent you  
19 the subpoena but before July 2003 when you  
20 got the records from Mr. Palmer, okay, so  
21 I'm looking at that time frame in between,  
22 did you locate any paper records within  
23 Superior that showed this judgment as  
24 being one against Ms. Lawrence?

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NANCY CERBUS

1 MR. LUCKMAN: Objection.

2 THE WITNESS: Did I locate  
3 records?

4 MR. SOUMILAS: Yes.

5 BY MR. SOUMILAS:

6 Q. Well, my question maybe is not  
7 very clear. I take it that at some point  
8 in July 2003 you saw some paper records  
9 from the courthouse with judgment  
10 information concerning Ms. Lawrence?

11 A. Yes.

12 Q. And I know you don't remember it  
13 precisely what they say, but my question  
14 is, prior to July 2003 had you ever seen  
15 those records before? Prior to July 2003  
16 had you seen those records?

17 A. So you're asking me the period  
18 between receiving the subpoena?

19 Q. No. I'm going a little broader  
20 now. I know you saw paper records  
21 concerning the judgment that came to you  
22 from the courthouse in July 2003?

23 A. Uh-huh.

24 Q. That we agree on? Yes?

NANCY CERBUS

1 A. Yes.

2 Q. At any time before July 2003 had  
3 you ever seen those court records?

4 A. Not to my knowledge.

5 Q. Had you ever seen any court  
6 records concerning a judgment against  
7 Ms. Lawrence?

8 A. Not to my knowledge.

9 Q. Now, in May 2003 I sent you a  
10 subpoena and you told me that you took  
11 certain steps to gather information about  
12 this case?

13 A. Yes.

14 Q. And you asked people to retrieve  
15 the CDVs and look into your computer  
16 system and so forth?

17 A. Yes.

18 Q. In that time frame, May 2003  
19 through July 2003, did anyone in your  
20 employ retrieve any records -- court  
21 records regarding a judgment against  
22 Ms. Lawrence?

23 A. Possibly. I mean I might have  
24 asked Nick to retrieve them during that

NANCY CERBUS

1 period.

2 Q. I guess what I'm trying to figure  
3 out is, did your company ever see such  
4 records before Mr. Palmer got them in July  
5 2003?

6 A. He would have retrieved them for  
7 us.

8 Q. Mr. Palmer?

9 A. Yes.

10 Q. And he did so in July 2003?

11 A. Yes.

12 Q. But prior to that I understand  
13 that there was a two-month period where  
14 there was a subpoena outstanding and you  
15 were asking people to do some searches for  
16 you or you may have done them yourself?

17 A. Right.

18 Q. During that time period, did you  
19 ever see those records or similar records  
20 concerning a judgment from the courthouse?

21 A. Well, yes, because I started  
22 retrieving the information then.

23 Q. Okay. What records did you see?

24 A. We pulled the documents from the

NANCY CERBUS

1 court. We were pulling our internal  
2 documents.

3 Q. I guess that's what I'm trying to  
4 get at. You testified earlier about a  
5 tape being reported in 1996. You don't  
6 have the tape, correct?

7 A. Correct.

8 MR. LUCKMAN: You're not  
9 going to go back over this too much, are  
10 you, John?

11 MR. SOUMILAS: No.

12 BY MR. SOUMILAS:

13 Q. You also testified about your  
14 data system, the Superior database?

15 A. Yes.

16 Q. You looked into that, right?

17 A. Yes.

18 Q. Is there anything else? Did you  
19 find anything else other than what was in  
20 the Superior database?

21 A. Not that I can recall.

22 Q. And the Superior database is the  
23 information that you had stored on your  
24 database that are not court records; am I

111

NANCY CERBUS

1 correct about that?

2 MR. LUCKMAN: Object to the  
3 form.

4 THE WITNESS: I don't  
5 understand.

6 BY MR. SOUMILAS:

7 Q. I'm sorry, maybe I'm trying to be  
8 very precise here. I understand that in  
9 July 2003 Mr. Palmer actually faxed you  
10 certain papers, court records from the  
11 Municipal Court in Philadelphia concerning  
12 a judgment against Ms. Lawrence?

13 A. Yes.

14 Q. Okay?

15 A. Yes.

16 Q. Were there any such records that  
17 you had ever seen in Superior prior to  
18 July of 2003?

19 A. I'm sorry, I don't understand  
20 what you're asking.

21 MR. LUCKMAN: Do you mean  
22 did they have any of the Municipal Court  
23 hard copy records, copies of the court's  
24 records at Superior before Palmer sent

NANCY CERBUS

1           them?

2                               MR. SOUMILAS:   That's what

3           I mean.

4                               THE WITNESS:   Like any

5           other case?

6           BY MR. SOUMILAS:

7           Q.           No, no.   In Ms. Lawrence's case.

8           Concerning Grace Lawrence.   I want to know

9           whether you had ever seen court records,

10          not your database, but court records

11          concerning Ms. Lawrence?

12          A.           Possibly.   Yeah, I think he faxed

13          them to me maybe in May or June.

14          Q.           Who did?

15          A.           Nick.   And then I asked him for

16          them again in July.

17          Q.           Okay.   So Mr. Palmer originally

18          faxed them to you in May?

19          A.           Yes.

20          Q.           And then faxed them again in

21          July?

22          A.           Yes, because I think he had to --

23          I think it was archived and he had to

24          request the file.



NANCY CERBUS

1 Q. Okay. Let's take it one at a  
2 time. Why did he fax them to you in May?

3 A. Because I had requested them.

4 Q. In response to the subpoena sent  
5 by my firm?

6 A. Yes.

7 Q. Why did he fax them to you in  
8 July?

9 A. Because I wanted to make sure  
10 that we had everything that was in the  
11 folder, the case. He had faxed over  
12 the -- he went to the courthouse in May or  
13 June or whenever the time period was,  
14 initially went there. The information was  
15 archived, he ordered it. They then  
16 proceeded to give him a copy of the  
17 judgment screens from the computer system.  
18 They print them out, he faxed them over,  
19 but that wasn't the copy of the court  
20 case, that was just a copy of the computer  
21 terminal that the public doesn't have  
22 access to.

23 Q. All right. So this is in May?

24 A. Yes.

NANCY CERBUS

1 Q. It's a court computer printout,  
2 but it's not the actual court records; is  
3 that what you're telling me?

4 A. That's correct.

5 Q. And those were faxed to you  
6 personally in May?

7 A. Yes.

8 Q. And you saw them at some point in  
9 May of 2003?

10 A. Yes.

11 Q. Did you turn those records over  
12 to Mr. Luckman?

13 A. Yes.

14 Q. Do you know how many pages they  
15 were?

16 A. I don't recall.

17 Q. And your understanding was these  
18 were computer screen printouts given to  
19 Mr. Palmer by the Philadelphia Court?

20 A. Yes.

21 Q. And this is off a computer  
22 database that the public doesn't have  
23 access to?

24 A. That's correct.

NANCY CERBUS

1 Q. So you need to ask for the  
2 information and somebody at the court  
3 needs to give it to you?

4 A. Yes.

5 Q. Now, in July 2003 you asked for  
6 additional information from Mr. Palmer?

7 A. Yes.

8 Q. What was that additional  
9 information?

10 A. I needed to see the copies of the  
11 case.

12 Q. So not simply what was on the  
13 City's computer, but what was filed, the  
14 paper copies with the court?

15 A. Yes.

16 Q. And did he go and get that for  
17 you?

18 A. Yes.

19 Q. And so that was a separate court  
20 record, not a computer record, but a  
21 file -- something that was filed with the  
22 court?

23 A. Yes.

24 Q. I understand. That was something

NANCY CERBUS

1           that he also faxed to you?

2           A.           Yes.

3           Q.           And you saw that yourself?

4           A.           Yes.

5           Q.           Did you turn that over to

6           Mr. Luckman at Trans Union?

7           A.           Yes.

8           Q.           Did you turn it over around July

9           2003?

10          A.           On or about, yes.

11          Q.           And did you turn over those court

12          computer printouts in May of 2003?

13          A.           I believe, yes.

14          Q.           Why did you ask Mr. Palmer to go

15          back to the court and look for the actual

16          court records?

17          A.           Because I knew he had ordered the

18          file that was archived, so he needed to go

19          back anyway. They usually just keep it

20          for him for the next time that he's in,

21          but if you don't follow-up with them -- he

22          just has to keep following up with them to

23          get the information he had requested.

24          Q.           So when you spoke with him

NANCY CERBUS

1 originally in May 2003 you asked him for  
2 both the computer records and the paper  
3 records, everything?

4 A. Yes.

5 Q. But he couldn't access the paper  
6 records because they were archived?

7 A. Yes.

8 Q. And you needed to remind him in  
9 July 2003 that you still needed the paper  
10 records?

11 A. Yes.

12 Q. Does it usually take two months  
13 to get the paper records?

14 A. Not really. It usually only  
15 takes about a week.

16 Q. About a week. How often do you  
17 know Mr. Palmer was in the courthouse?

18 A. He goes probably three to four  
19 times a week.

20 Q. Do you know why he hadn't picked  
21 them up as of July of 2003?

22 A. He told me he did and he sent  
23 them over. And I asked him to retrieve  
24 them because I wasn't able to locate them.

NANCY CERBUS

1 Q. Why was it in July 2003 that you  
2 insisted that you still wanted to see  
3 these court records, not simply the  
4 computer printouts?

5 MR. LUCKMAN: Object to the  
6 form.

7 BY MR. SOUMILAS:

8 Q. You can answer the question.

9 A. I'm sorry, what was it?

10 Q. The question was, why was it that  
11 in July 2003 you told him that you still  
12 needed to see those court records, not  
13 simply the computer printouts that he gave  
14 you in May of 2003?

15 A. Because I was just following up  
16 on pulling all the information together.

17 Q. Now, I don't intend on going over  
18 any territory that I've already gone over,  
19 but you've told me a couple times that you  
20 don't remember what the records say. Is  
21 that the case for the computer records or  
22 the paper records?

23 A. For both.

24 Q. You just don't remember what they

NANCY CERBUS

1 say?

2 A. No.

3 Q. But you know that you saw them in  
4 May of 2003, the computer records, and in  
5 July of 2003 the court records?

6 A. Yes.

7 Q. And you turned them all over to  
8 Trans Union?

9 A. Yes. I look at a lot of court  
10 records all the time.

11 Q. I understand. I don't expect you  
12 to remember everything off the top of your  
13 head. Although, I would expect to get the  
14 documents that I think are entirely  
15 responsive to my subpoena that is now  
16 outstanding for four months.

17 You said your company reports  
18 credit information throughout the  
19 mid-Atlantic region?

20 A. Yes.

21 Q. And you mentioned that your  
22 company also does collection services,  
23 correct?

24 A. No.

NANCY CERBUS

1 Q. No, you didn't. Then I'm  
2 mischaracterizing what I thought I heard.  
3 You mentioned something earlier about  
4 policies of collection accounts. Do you  
5 remember that?

6 A. That was probably a course that I  
7 took.

8 Q. Right. I think you mentioned  
9 that, but you also mentioned when I was  
10 asking you about policy and procedure  
11 manuals that your company has, about  
12 policies and procedures on fair debt  
13 collection. Do you remember that  
14 testimony?

15 A. Fair debt collection was a  
16 seminar that I attended.

17 Q. Okay. Does Superior collect  
18 debts on behalf of creditors?

19 A. No.

20 Q. Does Superior do any other type  
21 of business besides retrieving public  
22 records information?

23 A. Yes, we have a corporate services  
24 piece. We do --



NANCY CERBUS

1 MR. LUCKMAN: She described  
2 the three types of businesses they do,  
3 John.

4 BY MR. SOUMILAS:

5 Q. Is the corporate services the  
6 incorporating companies?

7 A. Yes.

8 Q. I'm sorry, what else?

9 A. And we do lists. We have a list  
10 business.

11 Q. Which you also testified about?

12 A. Yes.

13 Q. Anything else?

14 A. We have our on-line piece.

15 Q. What is the on-line piece?

16 A. Where we have our database that  
17 companies can go on-line and subscribe to.

18 Q. To retrieve information from you?

19 A. Yes.

20 Q. Anything else?

21 A. I don't think so.

22 Q. Is your company, Superior  
23 Information Services a credit reporting --  
24 a consumer reporting agency, excuse me?

NANCY CERBUS

1 A. No, we are not.

2 Q. Do you consider yourself a  
3 furniture of credit information?

4 A. Yes.

5 Q. Do you comply with the Fair  
6 Credit Reporting Act?

7 A. We are familiar with the Fair  
8 Credit Reporting Act and abide by those  
9 paragraphs based on our contracts with our  
10 clients.

11 Q. Do you have a compliance  
12 department to comply with the Fair Credit  
13 Reporting Act?

14 A. We don't have a compliance  
15 department.

16 Q. Do you have compliance procedures  
17 or compliance manuals?

18 A. I'm not sure.

19 Q. How do you comply with the Act as  
20 you said you do?

21 MR. LUCKMAN: Objection.

22 BY MR. SOUMILAS:

23 Q. What steps do you take to comply  
24 with the Act?

123

NANCY CERBUS

1 A. I would have to refer that to our  
2 president who handles that.

3 Q. Okay. So you are not really  
4 sure. You are not the person to answer  
5 that question; is that what you're telling  
6 me?

7 A. Yeah, I'm not sure.

8 Q. Take a look at Paragraph 3 of  
9 your declaration that was marked as  
10 Cerbus-2.

11 A. Yes.

12 Q. The third sentence there says,  
13 Superior has developed and follows  
14 rigorous procedures to comply with the  
15 Fair Credit Reporting Act 15, U.S.C.  
16 Section 1681 at seq.

17 A. Uh-huh.

18 Q. What do you mean by that?

19 A. That we will follow the  
20 procedures to comply with the Fair Credit  
21 Reporting Act.

22 Q. But I thought you just told me  
23 you don't know what those procedures are?

24 A. I don't know what -- you were

NANCY CERBUS

1 asking me about compliance and manuals --

2 Q. What are those rigorous  
3 procedures?

4 MR. LUCKMAN: You  
5 interrupted her, John. She wasn't  
6 finished.

7 MR. SOUMILAS: I apologize.

8 BY MR. SOUMILAS:

9 Q. I'd like for you to expand on  
10 what you meant in your declaration about  
11 rigorous procedures.

12 A. The rigorous procedures that we  
13 comply with is that we follow the Fair  
14 Credit Reporting Act and comply based on  
15 the consumer dispute verifications, and  
16 that we will report this information  
17 accurately and that we will abide by all  
18 the time lines that we need to reverify  
19 the information.

20 Q. And are those obligations  
21 contractual obligations imposed upon you  
22 by the credit reporting agencies?

23 A. Yes.

24 Q. Such as Trans Union?

NANCY CERBUS

1 A. Yes.

2 Q. So when you say in the next line  
3 in your declaration, Superior is  
4 contracturally obligated to follow  
5 rigorous procedures in gathering and  
6 verifying credit information, that means  
7 that you do follow the procedure that  
8 Trans Union tells you to follow?

9 A. We have service agreements with  
10 Trans Union and then that is, again, with  
11 the Fair Credit Reporting Act.

12 Q. I understand that. And you also  
13 have what you told me agreements with  
14 Equifax and Spherion?

15 A. That's correct.

16 Q. And with respect to Trans Union,  
17 are the procedures that you follow the  
18 ones that Trans Union contracturally  
19 obligates you to follow?

20 MR. LUCKMAN: Object to the  
21 form.

22 BY MR. SOUMILAS:

23 Q. I'm simply trying to flush out,  
24 ma'am, what you mean in the last sentence

NANCY CERBUS

1 of Paragraph 3 of your declaration when  
2 you say you're contracturally obligated.  
3 I'm trying to understand what that means.

4 Who contracturally obligates  
5 you?

6 A. Our clients.

7 Q. Such as?

8 A. Trans Union.

9 Q. And when you testified earlier  
10 that you use the CDV procedures to report  
11 information to Trans Union. Do you  
12 remember that?

13 A. Yes.

14 Q. With respect to Trans Union, and  
15 I don't know about the other credit  
16 reporting agencies, but my question is,  
17 did Superior come up with this procedure,  
18 the CDV procedure or did Trans Union come  
19 up with it, to your knowledge?

20 MR. LUCKMAN: Didn't she  
21 already say it was negotiated? Didn't we  
22 go over this?

23 MR. SOUMILAS: No, I don't  
24 think she testified specifically as to

NANCY CERBUS

1       this. She said that she had negotiated  
2       contracts with the credit bureaus. I  
3       remember that.

4                       THE WITNESS: I'm sorry,  
5       what was your question?

6       BY MR. SOUMILAS:

7       Q.       My question is, I know you said  
8       that you have contracts that you  
9       negotiated with the credit bureau, at  
10      least that's what I recall.

11      A.       Yes.

12      Q.       Do you recall testifying about  
13      that as well?

14      A.       Yes.

15      Q.       But you also testified that you  
16      comply with a Fair Credit Reporting Act by  
17      abiding by this CDV procedure?

18      A.       Yes.

19      Q.       Are those the consumer dispute  
20      verification procedures?

21      A.       Yes.

22      Q.       What are those procedures?

23      A.       The procedure is that as Superior  
24      receives the dispute from Trans Union, we

NANCY CERBUS

1 must go to the courthouse, verify the  
2 information and provide that information  
3 back to Trans Union within a specific  
4 amount of time.

5 Q. So it's Trans Union that sends  
6 Superior the CDV with the consumer  
7 complaints?

8 A. Yes.

9 Q. Superior doesn't receive the  
10 complaint directly from the consumer?

11 A. That's correct.

12 Q. Do you have any direct  
13 communication on your files from  
14 Grace Lawrence in this case?

15 A. No. I mean, we wouldn't.

16 Q. You wouldn't as a matter of  
17 policy?

18 A. That's correct.

19 Q. Because the disputes all come  
20 through the consumer reporting agency,  
21 Trans Union?

22 A. Yes.

23 Q. And these forms that you get, are  
24 these forms that you created or are they



NANCY CERBUS

1 Trans Union forms?

2 MR. LUCKMAN: Objection;

3 asked and answered.

4 MR. SOUMILAS: I don't

5 think it was asked or answered.

6 BY MR. SOUMILAS:

7 Q. I want to know the CDV forms, did  
8 Superior create those or are those  
9 something that Trans Union told you you  
10 have to use?

11 A. They're from Trans Union.

12 Q. They're Trans Union forms?

13 A. Yes.

14 Q. When Trans Union sends you these  
15 disputes on the forms, their forms, do  
16 they also send you -- let me back step.

17 How do they send them to you?

18 Is it by e-mail? Is it by fax? How do  
19 they get to you?

20 A. We get an import file everyday.

21 Q. Is that a computer communication?

22 A. Yes.

23 Q. So you don't see any paper  
24 documents? The CDV doesn't come to you in

NANCY CERBUS

1 paper form?

2 A. No.

3 Q. They come to you in electronic  
4 form?

5 A. Yes.

6 Q. Is that the same thing as an  
7 ACDV, an automated consumer dispute  
8 verification?

9 A. Yes.

10 Q. So when we speak about CDVs and  
11 ACDVs you're using the terms  
12 interchangeably?

13 A. Yes.

14 Q. As part of this relationship that  
15 you have with Trans Union, does Trans  
16 Union send you paper documentation that  
17 may accompany a dispute?

18 MR. LUCKMAN: Object to the  
19 form.

20 BY MR. SOUMILAS:

21 Q. Do you understand the question,  
22 ma'am?

23 A. Not really.

24 Q. Separate from the CDV that comes

NANCY CERBUS

1 to you through a computer, does Trans  
2 Union send you an envelope or a fax with  
3 some paper in it that says this consumer  
4 is disputing something and they sent this  
5 two-page letter along with it?

6 A. For most of them, no, but  
7 occasionally we do receive them.

8 Q. Occasionally that does happen?

9 A. Yes.

10 Q. When does that happen?

11 A. It's manual as opposed to an  
12 automated.

13 Q. Manual is fax or mail?

14 A. Mail usually.

15 Q. And when it comes by mail, is  
16 there a supporting documentation from a  
17 consumer that comes to you?

18 A. Sometimes.

19 Q. Does it come to you the majority  
20 of the times or the minority of the times?

21 A. Minority, I would say.

22 Q. Would you say the small minority  
23 of the times?

24 MR. LUCKMAN: Object to the

NANCY CERBUS

1 form.

2 THE WITNESS: I don't

3 know.

4 BY MR. SOUMILAS:

5 Q. Do you have any choice in the  
6 matter as to whether Trans Union would  
7 send you this information?

8 MR. LUCKMAN: Object to the  
9 form.

10 BY MR. SOUMILAS:

11 Q. Do you understand my question?

12 A. No.

13 Q. Do you demand from Trans Union if  
14 a consumer says they've sent us that type  
15 of documentation, we want to see it?

16 A. I don't know, but we do receive  
17 what the consumer states.

18 Q. Is that in the CDV form?

19 A. Yes.

20 Q. If the consumer states what they  
21 state in a letter, do you get the letter?

22 A. No.

23 Q. You just get the CDV?

24 A. Yes.

NANCY CERBUS

1 Q. And you respond by CDV?

2 A. Yes.

3 Q. And your options are you would  
4 check verified or you would check some  
5 other information?

6 MR. LUCKMAN: Object to the  
7 form.

8 BY MR. SOUMILAS:

9 Q. How do you respond to the CDV?

10 A. Well, we retype in all the  
11 information.

12 Q. Every time?

13 A. Yes.

14 Q. And all the information is all  
15 the information concerning the public  
16 record?

17 A. Yes.

18 Q. Even if it's the exact same  
19 information as the information that you  
20 provided originally, you retype it in?

21 A. Yes.

22 Q. And you type it in the exact same  
23 way?

24 A. Yes.

NANCY CERBUS

1 Q. And you do this every time?

2 A. Yes.

3 Q. And you type it into the computer  
4 system?

5 A. Yes.

6 Q. What is the computer system you  
7 told me that receives the CDVs?

8 A. It's called Paradox.

9 Q. And that has records dating back  
10 to 1987?

11 A. That's our Superior database.

12 Q. Paradox has records for how long?  
13 Three years?

14 A. Usually three years.

15 Q. Usually three years, that's  
16 right, because you said you were able to  
17 find the 1998 CDV.

18 A. Yes.

19 Q. Does your company get paid from  
20 Trans Union for doing this investigation  
21 and getting back to them with the CDV?

22 A. Yes.

23 Q. How much?

24 A. \$5 per CDV.

NANCY CERBUS

1 Q. Has that always been the case?

2 MR. LUCKMAN: I didn't hear  
3 that.

4 BY MR. SOUMILAS:

5 Q. Has that always been the case  
6 that it was \$5?

7 A. No.

8 Q. Is it \$5 now?

9 A. Yes.

10 Q. When was it different?

11 A. I don't recall.

12 Q. Do you know what the difference  
13 was?

14 A. It was \$1 difference.

15 Q. \$1 difference. So it used to be  
16 \$4?

17 A. Yes.

18 Q. At some point in the past?

19 A. Yes.

20 Q. Was it before 2000?

21 A. I don't know.

22 Q. But now it's \$5?

23 A. Yes.

24 Q. And I know you submitted to us,

NANCY CERBUS

1 I'm not going to mark it for your  
2 deposition, but could you take a look at  
3 it? It's a public record process  
4 standards document. You've attached this  
5 to your declaration. Do you remember it?

6 A. Yes.

7 Q. Do you see the overview section?

8 A. Yes.

9 Q. The second sentence reads,  
10 Vendors who verify information for Trans  
11 Union will locate the court that houses  
12 that information and check the accuracy  
13 and completeness thereof.

14 A. Yes.

15 Q. What do you understand that to  
16 mean?

17 A. It means that Superior will go to  
18 that courthouse, pull that record up which  
19 is the official court document, verify the  
20 information, complete the information.

21 And there's fields that we look at,  
22 obviously, defendant name, data, docket  
23 date, dollar amount, et cetera. And we'll  
24 then report back to Trans Union and we



NANCY CERBUS

1 must be thorough in this whole process and  
2 accurate.

3 Q. Is it Trans Union that imposes  
4 this requirement on you or how to do these  
5 verifications by going to the courthouse?

6 A. They do; however, Superior, this  
7 is how we do it anyway. We would go to  
8 the court to verify the information.

9 I'm sorry, I'm going to need  
10 to take a break.

11 Q. Sure. Whenever you would like.

12 - - -

13 (Whereupon a brief recess  
14 was taken at 12:58 p.m. and the deposition  
15 resumed at 1:04 p.m.)

16 - - -

17 BY MR. SOUMILAS:

18 Q. Before we took a break,  
19 Ms. Cerbus, we were talking about the  
20 procedure that Superior employs in  
21 verifying information for Trans Union. I  
22 just want to ask you a couple more  
23 questions about that before we move on.

24 A. Okay.

NANCY CERBUS

1 Q. I think you told me that Trans  
2 Union requires you, and also as part of  
3 its own procedure, Superior chooses to go  
4 to the courthouse to check the original  
5 records in verifying a dispute from a  
6 consumer, correct?

7 A. Correct.

8 Q. You also told me that at least in  
9 July 2003 in connection with your inquiry  
10 of Mr. Palmer that he needed to go and get  
11 some archived records. The case was old,  
12 I take it?

13 A. Yes.

14 Q. How long did you tell me it takes  
15 to retrieve the archived records?

16 A. Usually a week in Municipal  
17 Court.

18 Q. And to your knowledge, does  
19 someone physically need to go to the  
20 courthouse to ask for the retrieval and  
21 then go back in a week and see the  
22 records?

23 A. Yes.

24 Q. Do you know how old a case needs

NANCY CERBUS

1 to be in order to be archived in the  
2 Philadelphia Municipal Court?

3 A. I don't.

4 Q. Do you know whether in 2001, for  
5 example, when Mr. Palmer verified this  
6 information concerning Ms. Lawrence  
7 whether he had to get archived records?

8 A. I don't.

9 Q. Once you follow the procedures  
10 that you told me Trans Union requires you  
11 to follow, and you get the information  
12 that you need, you type it all out on the  
13 CDV right into your computer; is that what  
14 happens?

15 A. At the home office?

16 Q. Well, you said at some point you  
17 type all the information onto the CDV. I'm  
18 just wondering where that happens.

19 A. At the home office.

20 Q. So someone like Mr. Palmer is  
21 here in Philadelphia, his job is to go to  
22 the courthouse?

23 A. Yes.

24 Q. Is his job to photocopy

NANCY CERBUS

1 information or could he just look at it  
2 with his eyes?

3 A. He reviews it with his eyes.

4 Q. He doesn't have to photocopy the  
5 court records every time there's a  
6 dispute?

7 A. No.

8 Q. Then after he reviews it with his  
9 eyes, what does he do according to your  
10 procedures?

11 A. He'll write down the information  
12 on a form that Superior provides for him  
13 and he'll -- once it's complete, he'll fax  
14 it over to the office.

15 Q. And then will someone at the  
16 office essentially transcribe the  
17 information from the form into the  
18 computer system?

19 A. Yes.

20 Q. And respond to Trans Union's CDV  
21 or ACDV?

22 A. Yes.

23 Q. Does Superior do anything else in  
24 terms of its investigation?

NANCY CERBUS

1       A.       For that particular  
2       investigation, no, but what we will do is  
3       we audit all of our contractors and  
4       employees that perform verifications and  
5       we'll do random audits to make sure that  
6       they're performing their obligations  
7       accurately.

8       Q.       And I understand that you have  
9       records of at least four audits concerning  
10      Mr. Palmer?

11      A.       Yes.

12      Q.       Do you have any audits concerning  
13      the employee who handled the Philadelphia  
14      region prior to Mr. Palmer, a Joy Graypin,  
15      I believe you said?

16      A.       Joy Graypin. I don't know.

17      Q.       Do you know whether any of your  
18      audits specifically deal with a dispute of  
19      Grace Lawrence?

20      A.       I don't, no.

21      Q.       Do you know whether Mr. Palmer in  
22      2001 physically went to the courthouse to  
23      check the records concerning Grace  
24      Lawrence in connection with that dispute?

NANCY CERBUS

1 I'm asking whether you have personal  
2 knowledge about that, not whether he  
3 should have done it pursuant to your  
4 procedures.

5 A. I'm not sure I understand.

6 MR. LUCKMAN: Do you mean  
7 whether she saw him go do it?

8 MR. SOUMILAS: No.

9 BY MR. SOUMILAS:

10 Q. You told me according to your  
11 procedures you were supposed to go to the  
12 courthouse to check the records?

13 A. Yes.

14 Q. And fill out the form that  
15 Superior uses?

16 A. Yes.

17 Q. Do you know whether he did that?

18 A. I wouldn't know.

19 Q. You wouldn't know. So sitting  
20 here today you don't know?

21 A. I mean, I don't know.

22 Q. Okay. The same question with  
23 respect to any predecessor of Mr. Palmer  
24 that would have checked records in 1997 or

NANCY CERBUS

1 1998, such as this Ms. Graypin. Do you  
2 have any personal knowledge of whether she  
3 went to the courthouse to check judgment  
4 information concerning Ms. Lawrence?

5 A. Personal knowledge?

6 Q. Do you know whether she went or  
7 not?

8 A. I'm sorry, I don't understand  
9 what you're trying to ask me.

10 Q. I know your procedures tell these  
11 contractors or employees what they're  
12 supposed to do. My question is, do you  
13 have any knowledge that they did what they  
14 were supposed to do? Did you speak with  
15 someone? Did you see any records that  
16 show that they did it? Do you have any  
17 proof that they physically went to the  
18 courthouse?

19 MR. LUCKMAN: Object to the  
20 form.

21 BY MR. SOUMILAS:

22 Q. Do you understand the question  
23 now?

24 A. Well, the only way that we would

NANCY CERBUS

1 be able to get it done is if they went to  
2 the courthouse.

3 Q. I'm sorry, the only way you would  
4 be able to get what done?

5 A. Those verifications. The  
6 reverifying to see if they physically went  
7 to the courthouse.

8 Q. I understand that. That's your  
9 procedure and that's what you're supposed  
10 to do. But my question is a little  
11 different. My question is, sitting here  
12 today and based on all the information  
13 that you reviewed, documents,  
14 conversations with people and so forth, do  
15 you know whether they, in fact, did it?

16 A. I don't know.

17 Q. How many investigations on the  
18 average does Superior conduct for Trans  
19 Union concerning public record disputes  
20 from consumers?

21 A. Superior does about 20,000 a  
22 month.

23 Q. Is that how many you do now?

24 A. Yes.



NANCY CERBUS

1 Q. How many did you do in 2001?

2 A. I would say about the same, but  
3 maybe about five percent less.

4 Q. About five percent less?

5 A. Yes.

6 Q. How about in the 1997 to '98 time  
7 frame?

8 A. We probably did about 12,000 a  
9 month. For Trans Union we do about 8,000  
10 a month.

11 Q. I know you mentioned audits and  
12 procedures and forms and so forth about  
13 what your company does to make sure they  
14 get it right. My question to you is, do  
15 you believe that your company made any  
16 error in reporting credit information  
17 concerning Grace Lawrence?

18 MR. LUCKMAN: Object to the  
19 form.

20 THE WITNESS: I don't  
21 understand.

22 BY MR. SOUMILAS:

23 Q. Sitting here today and upon your  
24 review of the all the information that

NANCY CERBUS

1       you've provided to us and testified about,  
2       do you know whether Superior made any  
3       errors in reporting a judgment against  
4       Grace Lawrence?

5       A.       I don't think we did, no.

6       Q.       Are you confident that your  
7       company has procedures in place that would  
8       catch any type of an error if it was made?

9                       MR. LUCKMAN: Object to the  
10       form.

11       BY MR. SOUMILAS:

12       Q.       Do you understand the question,  
13       ma'am? I know you testified about audits  
14       and forms and so forth. And I'm wondering  
15       whether as a Vice President of this  
16       company you feel that your procedure would  
17       catch any errors?

18       A.       Yes, I do.

19       Q.       Do you know whether Ms. Lawrence  
20       -- Grace Lawrence ever owed a judgment to  
21       a Thomas Frommer?

22       A.       I don't know.

23       Q.       I'll spell it for you,  
24       F-R-O-M-M-E-R.

NANCY CERBUS

1 And I'm sorry, your answer  
2 was you don't know?

3 A. I don't know.

4 Q. Do you know whether Ms. Lawrence  
5 owed a judgment of \$2,951 to anybody?

6 A. I don't. I don't know.

7 Q. Do you know whether Trans Union  
8 made any type of a mistake in reporting  
9 that Ms. Lawrence had a \$2,951 judgment  
10 against her?

11 MR. LUCKMAN: Objection.

12 THE WITNESS: I don't  
13 know.

14 BY MR. SOUMILAS:

15 Q. Do you know whether the City of  
16 Philadelphia made any type of a mistake?

17 A. I don't know.

18 Q. You simply don't know whether  
19 there was a judgment or if anybody made a  
20 mistake; is that what you're saying?

21 A. That's correct.

22 Q. I know you testified earlier that  
23 you don't recall speaking with Mr. Palmer  
24 about whether he has any information that

NANCY CERBUS

1       this judgment was against Ms. Lawrence. I  
2       want to ask you a broader question.

3               Have you spoken with anybody  
4       within your company that has information  
5       that a \$2,951 judgment was entered against  
6       Ms. Lawrence?

7       A.       No.

8       Q.       And outside of your company, do  
9       you know anyone who has information that,  
10      in fact, such a judgment was entered  
11      against Ms. Lawrence?

12      A.       Outside of my company?

13      Q.       Yes. I asked you if you've  
14      spoken with anyone within your company  
15      that had such information and you said no.  
16      Now I'm asking a broader question.

17      Outside of your company, have you spoken  
18      with anyone that's told you that or that's  
19      given you that type of information that  
20      she, in fact, owed a \$2,951 judgment?

21      A.       I don't know.

22      Q.       You don't know if you spoke with  
23      someone or --

24      A.       I spoke to several people about

NANCY CERBUS

1       this judgment.

2       Q.       To your best knowledge, has  
3       anyone confirmed for you that she owed the  
4       money?

5                       MR. LUCKMAN: Object to the  
6       form.

7                       THE WITNESS: I don't  
8       know.

9       BY MR. SOUMILAS:

10      Q.       You don't know whether anyone has  
11      confirmed it for you or you don't know  
12      whether she owes the money?

13      A.       I don't know if anybody confirmed  
14      it with me.

15      Q.       Let me put one last document in  
16      front of you. Let's mark it as Cerbus-3.

17                       - - -

18                       (Whereupon, Exhibit  
19      Cerbus-3 was marked for identification.)

20                       - - -

21      BY MR. SOUMILAS:

22      Q.       Once you have had a chance to  
23      review that document, Ms. Cerbus, let me  
24      know.

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NANCY CERBUS

1 Okay?

2 A. Okay.

3 Q. Have you ever seen that document  
4 before today?

5 A. Yes.

6 Q. When did you see it?

7 A. I saw it when Nick faxed it over  
8 to me.

9 Q. I'm sorry?

10 A. I saw it when Nick faxed it over  
11 to me.

12 Q. Nick Palmer?

13 A. Yes.

14 Q. When did he fax you this  
15 document?

16 A. Between May and July.

17 Q. Of this year?

18 A. Yes.

19 Q. And I'm sorry, I don't mean to be  
20 picky but I am a lawyer. Do you know  
21 whether he faxed you this particular  
22 document or one that looked just like it?  
23 This one, for example, has some  
24 handwritten notations and some dates

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1 circled on it.

2 A. It wasn't this one.

3 Q. Was it the same type of court  
4 docket document from the Philadelphia  
5 Municipal Court?

6 A. Yes.

7 Q. And to your knowledge, prior to  
8 May of 2003 where Mr. Palmer faxed this  
9 document over, had you ever seen this  
10 document before?

11 A. Not to my knowledge.

12 Q. Had Trans Union ever sent this  
13 document to Superior?

14 A. Not to my knowledge.

15 Q. Is this the computer printout  
16 document that you gave testimony about  
17 earlier today?

18 A. Yes.

19 Q. Were there anymore computer  
20 printouts other than this one page that  
21 I'm showing you as Cerbus-3?

22 A. Well, my exhibit -- my computer  
23 printout was actually two pages.

24 Q. It was two pages?

NANCY CERBUS

1 A. Yes.

2 Q. This was, you believe, one of the  
3 pages?

4 A. Yes.

5 Q. Could you interpret the judgment  
6 information on this page based on your  
7 experience as an employee of Superior?

8 A. I would say that from this  
9 information that you would see the  
10 plaintiff information, the defendant  
11 information and that there was a counter  
12 claim filed.

13 Q. Do you know who the defendant was  
14 in this case?

15 A. Based on this information?

16 Q. Based on the document in front of  
17 you, yes.

18 A. I would say that Grace Lawrence  
19 was the defendant.

20 Q. And her information is on the top  
21 right of this form?

22 A. Yes.

23 Q. And was a Thomas, it says here,  
24 Froneer or Frommer. He was the plaintiff?



NANCY CERBUS

1 A. Yes.

2 Q. Directing your attention to the  
3 third entry or the third line of data  
4 under court activity.

5 A. Yes.

6 Q. Do you see that there are two  
7 bits of information underlined on the  
8 document that I'm showing you?

9 A. I do, yes.

10 Q. You see that says judge for DF,  
11 D-F?

12 A. Yes.

13 Q. 2951?

14 A. Yes.

15 Q. Do you interpret that to be a  
16 judgment for the defendant?

17 A. Yes.

18 Q. Next to it, the other item  
19 underlined is judgment for DF/CNT. What  
20 do you interpret that to mean?

21 A. Judgment for defendant/counter.

22 Q. On her counter claim?

23 MR. LUCKMAN: Objection.

24 BY MR. SOUMILAS:

NANCY CERBUS

1 Q. Do you interpret that to mean  
2 that it's a judgment on the defense  
3 counter claim?

4 A. Yes; however, the Hearing No. 2  
5 which was on 7/31/96, there's a Hearing  
6 No. 1 on 7/31/96 that also says that it  
7 was withdrawn without prejudice.

8 Q. I'm sorry, could you show me  
9 where you're looking at on the form?

10 A. We're looking at Hearing No. 2.

11 Q. Yes.

12 A. Right above it it says, Hearing  
13 No. 1. The disposition is withdrawn  
14 without prejudice.

15 Q. Okay.

16 A. So I would interpret this as  
17 meaning that on this date, 7/31/96  
18 something is unique about this case  
19 because it doesn't make sense, because it  
20 says that the case has been withdrawn and  
21 then also it says that there is a judgment  
22 for defendant.

23 Q. I understand that. Based on the  
24 training that you give to employees and

NANCY CERBUS

1 independent contractors, how would this  
2 type of information from the Philadelphia  
3 Municipal Court be coded as a judgment?

4 MR. LUCKMAN: Object to the  
5 form.

6 BY MR. SOUMILAS:

7 Q. Do you understand the question,  
8 ma'am?

9 A. I do hear your question. Now,  
10 what you'll need to remember is that when  
11 Nicholas goes to the court, he pulls the  
12 original copies, so he's not looking at  
13 this. This is what the people at the  
14 court -- they're terminal looks like.

15 Q. Okay.

16 A. So he wouldn't be looking at this  
17 sheet anyway.

18 Q. I understand that. So to answer  
19 my question, your employees typically  
20 would not be entering data into your  
21 system based on this sheet?

22 A. No.

23 Q. They would be looking at the  
24 court certified records to enter the data?

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NANCY CERBUS

1 A. Yes.

2 Q. Have you seen the court certified  
3 records in this case?

4 A. Yes.

5 Q. And this is what Nick Palmer sent  
6 to you in July of 2003?

7 A. Yes.

8 Q. And to your knowledge -- I'm  
9 sorry, I think you've testified you still  
10 don't know what those records -- you don't  
11 recall, sitting here today, what those  
12 records say?

13 A. That's correct.

14 Q. And would you interpret this  
15 particular record to say that there is a  
16 judgment against Ms. Lawrence?

17 MR. LUCKMAN: Objection.

18 THE WITNESS: I don't  
19 think you can interpret that.

20 BY MR. SOUMILAS:

21 Q. But you said you were concerned  
22 that it says withdrawn without prejudice,  
23 correct?

24 A. Right.

NANCY CERBUS

1 Q. And you also saw that it's a  
2 judgment for the defendant?

3 A. That's correct.

4 Q. So would you agree with me that  
5 you cannot reasonably interpret this  
6 record to be a judgment against  
7 Ms. Lawrence?

8 MR. LUCKMAN: Objection to  
9 the form.

10 BY MR. SOUMILAS:

11 Q. I think you testified to that  
12 earlier, but if I'm mistaken, let me know.

13 A. Sorry, what is your question?

14 Q. Could you reasonably interpret  
15 this -- I understand your concern about  
16 its ambiguity, but regardless of how you  
17 interpret the ambiguity, could it possibly  
18 under any reasonable reading be a judgment  
19 against Ms. Lawrence?

20 MR. LUCKMAN: Object to the  
21 form.

22 BY MR. SOUMILAS:

23 Q. You can answer the question.

24 A. Could it be a judgment against

NANCY CERBUS

1 Grace Lawrence?

2 Q. This document in front of you,  
3 yes.

4 A. Sure, it could be.

5 Q. It could be. Could you explain  
6 to me how you would interpret this  
7 document to mean that it's a judgment  
8 against Ms. Lawrence?

9 A. Because she's listed as a  
10 defendant and there is a dollar amount.

11 Q. Would you agree with me though  
12 that under Hearing 2 it says judgment for  
13 the defendant? You've already testified  
14 about that.

15 A. Right.

16 Q. And it also says next to that,  
17 judgment for defendant on what you've  
18 interpreted to be the counter claim and  
19 it's abbreviated CNT?

20 A. Right.

21 Q. If it's a judgment for the  
22 defendant on the counter claim, how could  
23 it be against her?

24 MR. LUCKMAN: Objection.

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NANCY CERBUS

1 THE WITNESS: Because she's  
2 listed as the defendant still.

3 BY MR. SOUMILAS:

4 Q. So because she's listed as the  
5 defendant, you believe that the judgment  
6 could be against her?

7 A. No.

8 Q. Could you explain to me why you  
9 believe the judgement could be against  
10 her?

11 MR. LUCKMAN: Could you  
12 explain again?

13 MR. SOUMILAS: Yes, because  
14 I apparently haven't understood it yet.

15 THE WITNESS: You asked  
16 me -- why don't you ask me again.

17 BY MR. SOUMILAS:

18 Q. My question is, looking at this  
19 document, would you agree with me that you  
20 cannot reasonably conclude that this is a  
21 judgment against Ms. Lawrence?

22 MR. LUCKMAN: Object to the  
23 form.

24 THE WITNESS: If I look at

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NANCY CERBUS

1       this document, I would, and our employees  
2       or contractors would probably state that  
3       there's something odd about this case.

4       You cannot determine who the judgment is  
5       against or if the case is open or if it's  
6       been dismissed or withdrawn.

7       BY MR. SOUMILAS:

8       Q.       Why is there something odd about  
9       the case?

10      A.       Because one, there's a counter  
11      claim filed. Two, there's a Hearing 1, a  
12      Hearing 2 and then there's also an appeal.

13      Q.       So you're saying that there's  
14      something unusual or odd, to use your  
15      word, about this case because there was a  
16      counter claim, number one, and number two,  
17      it's the procedural history that you just  
18      summarized, a first hearing, a second  
19      hearing and then an appeal?

20      A.       Yes.

21      Q.       So those things make it unusual?

22      A.       Yes. And there's something else,  
23      Hearing No. 3, which I wouldn't even know  
24      what unusual something see transcription



NANCY CERBUS

1 or whatever.

2 Q. Okay. Is there anything else  
3 that in your opinion makes this case as  
4 it's summarized in this Municipal Court  
5 docket unusual or odd?

6 MR. LUCKMAN: Object to the  
7 form.

8 THE WITNESS: I'm sorry,  
9 what was your question?

10 BY MR. SOUMILAS:

11 Q. You've explained to me a couple  
12 of reasons why you think the disposition  
13 of this case is odd. I'm wondering  
14 whether there are any other reasons as you  
15 look at this document that would lead you  
16 to that conclusion that it's an odd or  
17 unusual case?

18 A. I would say yes, because it says  
19 that on the top that it's disposed and it  
20 doesn't really say anything where it was  
21 disposed or -- it's just very odd.

22 Q. I'm sorry, where are you looking  
23 at?

24 MR. LUCKMAN: The top line.

NANCY CERBUS

1 THE WITNESS: The top line.

2 It says disposed.

3 BY MR. SOUMILAS:

4 Q. It says, The case has been  
5 disposed?

6 A. Right.

7 Q. Okay.

8 A. And then if you look at the  
9 docket entries or the court activities as  
10 it's listed, it doesn't really look like  
11 it's closed other than the appeal that was  
12 filed.

13 Q. Okay. Any other reason?

14 A. Probably not.

15 Q. Now, I understand all of the  
16 reasons why you told me why you think the  
17 case is unusual or odd. My question  
18 nevertheless is, given all of those  
19 reasons, do you think it's reasonable for  
20 someone to conclude that this is a  
21 judgment against Ms. Lawrence?

22 MR. LUCKMAN: Object to the  
23 form.

24 THE WITNESS: I don't know

NANCY CERBUS

1 if it's reasonable to conclude that.

2 BY MR. SOUMILAS:

3 Q. Would you agree with me that  
4 nowhere on this form does it says that  
5 it's a judgment for the plaintiff,  
6 Mr. Frommer or Froneer?

7 MR. LUCKMAN: Objection.

8 THE WITNESS: It doesn't  
9 say that it's a judgment for him, no.

10 BY MR. SOUMILAS:

11 Q. You told me that Trans Union  
12 never forwarded this document to you or to  
13 your company directly; is that correct?

14 A. You asked me if I saw this before  
15 and I said yes. The detail that I saw was  
16 on two pages.

17 Q. And I remember that. I just  
18 wanted to confirm because my memory is not  
19 always perfect. Based on your review of  
20 all of the information that you've  
21 gathered concerning this case, do you know  
22 whether during the dispute process Trans  
23 Union forwarded this form to you?

24 A. No, they wouldn't have.

NANCY CERBUS

1 Q. You said your document, the one  
2 that you saw from Mr. Palmer in May of  
3 2003 had a second page?

4 A. Yes.

5 Q. Do you remember anything about  
6 that second page?

7 A. I don't.

8 Q. Do you think you still have a  
9 copy of that second page?

10 A. I'm sure I do, yes.

11 Q. Just a final line of questions  
12 that I want to ask you has to do with your  
13 business relationship with Trans Union,  
14 okay?

15 As a Vice President of your  
16 company, are you aware of any agreements  
17 between your company and Trans Union that  
18 say or that provide that Trans Union can't  
19 sue you for money if they're found liable  
20 in this case?

21 MR. LUCKMAN: Objection.

22 THE WITNESS: I don't  
23 know.

24 BY MR. SOUMILAS:

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NANCY CERBUS

1 Q. Do you know whether if, let's say  
2 Ms. Lawrence wins her case and Trans Union  
3 is liable, they can turn around and sue  
4 you for making a mistake?

5 MR. LUCKMAN: Objection.

6 THE WITNESS: I don't  
7 know. And . . .

8 BY MR. SOUMILAS:

9 Q. And what? You don't want to find  
10 out.

11 Would you know who within  
12 your company would be familiar with such  
13 an indemnity contribution agreement?

14 A. I do, yes.

15 Q. Who would that be?

16 A. It would be Steven Craig.

17 Q. The president?

18 A. Yes.

19 Q. Based on all of the information  
20 we reviewed here today and the information  
21 that you've reviewed in your files that we  
22 still haven't seen, do you know how it  
23 came about that Trans Union reported a  
24 \$2,951 judgment against Ms. Lawrence on

NANCY CERBUS

1 her credit report?

2 A. Yes.

3 Q. You do know?

4 A. Yes.

5 Q. How did it come about?

6 A. Superior collects the information  
7 and provides it to the credit companies.

8 Q. Okay.

9 A. So the credit companies would  
10 then append it to the consumer credit  
11 report based on the information that  
12 Superior provides.

13 Q. Okay. So are you saying that if  
14 there was any type of a mistake made or if  
15 anybody is at fault, it would be Superior?

16 MR. LUCKMAN: Object to the  
17 form.

18 BY MR. SOUMILAS:

19 Q. I'm sorry, I want to make the  
20 question clear because I wasn't asking you  
21 a question about procedure. I wasn't  
22 asking you a question about how  
23 procedurally does the information get from  
24 A to B. I'm asking you if you take my

NANCY CERBUS

1 client at her word that she doesn't owe  
2 this \$2,951 judgment, do you know who  
3 screwed up along the way in having Trans  
4 Union report it against her?

5 MR. LUCKMAN: Object to the  
6 form.

7 MR. SOUMILAS: Fair enough.

8 BY MR. SOUMILAS:

9 Q. You could answer it if you  
10 understand it.

11 A. I'm sorry, what was the question?

12 Q. If you give me the benefit of the  
13 doubt that Ms. Lawrence does not owe the  
14 judgment of \$2,951, let's assume that for  
15 the sake of this question, do you know  
16 what errors or who's at fault along the  
17 way in having Trans Union at the end of  
18 the day report it as being a judgment  
19 against her?

20 MR. LUCKMAN: Object to the  
21 form.

22 BY MR. SOUMILAS:

23 Q. Based on all of the information  
24 that you reviewed, do you know how that

NANCY CERBUS

1           happened?

2           A.           Other than a blanket statement  
3           which I can tell you.

4           Q.           Okay.

5                       MR. LUCKMAN: I think she's  
6           answered the question.

7           BY MR. SOUMILAS:

8           Q.           What is the blanket statement?

9           A.           What is your question, again?

10                      MR. SOUMILAS: I'm afraid  
11           I'm confusing her.

12                      MR. LUCKMAN: Just for my  
13           benefit, it sounds like she's answered  
14           what happened and you're asking it again.  
15           I think maybe it's confusing.

16                      MR. SOUMILAS: Yeah, I  
17           think I'm also confused by it because my  
18           question has to do with, not the  
19           procedure, not how does it come about that  
20           Trans Union publishes information about a  
21           person. We went through all that and you  
22           told me step-by-step how that happens, so  
23           I understand all that.

24                      But what I'm asking you now



NANCY CERBUS

1 is that if that information was false or  
2 inaccurate, take that as a given for now  
3 for the sake of my question, that if that  
4 information that Trans Union published  
5 about Grace Lawrence owing \$2,951 judgment  
6 was just wrong, do you know how it came  
7 about that the mistake was made?

8 MR. LUCKMAN: Object to the  
9 form; asked and answered.

10 THE WITNESS: So you're  
11 asking me to speculate?

12 BY MR. SOUMILAS:

13 Q. No, no. I'm not asking you to  
14 speculate. If the answer is you don't  
15 know, the answer is you don't know. But  
16 if you do know based on all the documents  
17 that you reviewed as to what happened, you  
18 let me know. If you disagree with me and  
19 you tell me that the judgment is against  
20 her, that's fine also, but I want to know  
21 based on everything you reviewed what do  
22 you think happened?

23 A. What do I think happened?

24 Q. Yes.

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NANCY CERBUS

1 MR. LUCKMAN: I'll object.

2 THE WITNESS: I don't know  
3 because I would have to look at everything  
4 procedurally based upon --

5 BY MR. SOUMILAS:

6 Q. But based on everything that  
7 we've reviewed here today and nothing  
8 more, could you give an opinion one way or  
9 the other as to whether an error was made  
10 along the way?

11 MR. LUCKMAN: Object to the  
12 form.

13 THE WITNESS: I wouldn't be  
14 able to.

15 BY MR. SOUMILAS:

16 Q. I'm not going to press you any  
17 longer because that's a fair answer. If  
18 you don't know, you don't know, okay.

19 The only final thing I want  
20 to say is, I want to thank you for your  
21 time. It took longer than I told you it  
22 would take, but in measure it was because  
23 this deposition revealed that you have in  
24 your possession an awful lot of documents

NANCY CERBUS

1       that we don't have in this case and this  
2       case is fairly far along in the litigation  
3       process, so I would again make a request  
4       of you that you take a look at my  
5       subpoena, determine whether you think  
6       those files that you have fit my request  
7       and give us copies of those files by  
8       mailing them or sending them to me  
9       directly. I will send you a follow-up  
10      letter asking you for that. You don't  
11      have to turn them over now if you don't  
12      feel that that's appropriate, but I'll  
13      tell you that if we don't get them, our  
14      only recourse is to go to the Federal  
15      court and ask for help, okay?

16      A.       Yeah.

17      Q.       Do you understand that?

18      A.       Yes, I do.

19                      MR. SOUMILAS: Thank you,  
20      Ms. Cerbus.

21                      Any questions?

22                      MR. LUCKMAN: No questions.

23                      - - -

24                      (Whereupon, the deposition

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NANCY CERBUS

1 of NANCY CERBUS was concluded at  
2 1:38 p.m.)

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1 C E R T I F I C A T I O N

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4

5 I hereby certify that the  
6 proceedings and evidence noted are  
7 contained fully and accurately in the  
8 stenographic notes taken by me upon the  
9 foregoing matter on Friday, October 24,  
10 2003, and that this is a correct  
11 transcript of the same.

12

13

14

15

16 Nicolle J. D'Amico  
Court Reporter and Notary Public

17

18 (The foregoing certification of this  
19 transcript does not apply to any  
20 reproduction of the same by any means,  
21 unless under the direct control and/or  
22 supervision of the certifying reporter.)

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